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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.— There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(a) Division of Administration.



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13 (b) Division of Alcoholic Beverages and Tobacco.

14 (c) Division of Certified Public Accounting.

15 1. The director of the division shall be appointed by the
16 secretary of the department, subject to approval by a majority
17 of the Board of Accountancy.

18 2. The offices of the division shall be located in
19 Gainesville.

20 (d) Division of Florida Condominiums, Timeshares, and
21 Mobile Homes.

22 (e) Division of Hotels and Restaurants.

23 ~~(f) Division of Pari-mutuel Wagering.~~

24 (f) ~~(g)~~ Division of Professions.

25 (g) ~~(h)~~ Division of Real Estate.

26 1. The director of the division shall be appointed by the
27 secretary of the department, subject to approval by a majority
28 of the Florida Real Estate Commission.

29 2. The offices of the division shall be located in Orlando.

30 (h) ~~(i)~~ Division of Regulation.

31 (i) ~~(j)~~ Division of Technology.

32 (j) ~~(k)~~ Division of Service Operations.

33 Section 2. Section 20.318, Florida Statutes, is created to
34 read:

35 20.318 Department of Gaming Control.—There is created a
36 Department of Gaming Control.

37 (1) GAMING COMMISSION.—The State Gaming Commission is the
38 head of the Department of Gaming Control. The commission shall
39 be responsible for appointing and removing the executive
40 director and general counsel of the department.

41 (2) DIVISIONS.—The Department of Gaming Control shall



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42 consist of the following divisions:
43 (a) The Division of Enforcement.
44 (b) The Division of Licensure.
45 (c) The Division of Revenue and Audits.
46 (3) DEFINITIONS.—As used in this section, the term:
47 (a) "Commission" means the State Gaming Commission.
48 (b) "Department" means the Department of Gaming Control.
49 (c) "Gaming control" means any gaming activity, occupation,
50 or profession regulated by the department.
51 (d) "License" means any permit, registration, certificate,
52 or license issued by the department.
53 (e) "Licensee" means any person issued a permit,
54 registration, certificate, or license by the department.
55 (4) POWERS AND DUTIES.—
56 (a) The department shall adopt rules establishing a
57 procedure for the renewal of licenses.
58 (b) The department shall submit an annual budget to the
59 Legislature at a time and in the manner provided by law.
60 (c) The department shall adopt rules pursuant to ss.
61 120.536(1) and 120.54 to administer the provisions of law
62 conferring duties upon it.
63 (d) The department shall require an oath on application
64 documents as required by rule, which oath must state that the
65 information contained in the document is true and complete.
66 (e) The department shall adopt rules for the control,
67 supervision, and direction of all applicants, permittees, and
68 licensees and for the holding, conducting, and operating of any
69 gaming establishment under the jurisdiction of the department in
70 this state. The department shall have the authority to suspend a



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71 permit or license under the jurisdiction of the department if
72 such permitholder or licensee has violated any provision of
73 chapter 550, chapter 551, or chapter 849 or rules adopted by the
74 department. Such rules must be uniform in their application and
75 effect, and the duty of exercising this control and power is
76 made mandatory upon the department.

77 (f) The department may take testimony concerning any matter
78 within its jurisdiction and issue summons and subpoenas for any
79 witness and subpoenas duces tecum in connection with any matter
80 within the jurisdiction of the department under its seal and
81 signed by the executive director.

82 (g) In addition to the power to exclude certain persons
83 from any pari-mutuel facility in this state, the department may
84 exclude any person from any and all gaming establishments under
85 the jurisdiction of the department in this state. The department
86 may exclude from any gaming establishment under its jurisdiction
87 within this state any person who has been ejected from a pari-
88 mutuel facility or other gaming establishment in this state or
89 who has been excluded from any pari-mutuel facility or other
90 gaming establishment in another state by the governmental
91 department, agency, commission, or authority exercising
92 regulatory jurisdiction over such facilities in such other
93 state. The department may authorize any person who has been
94 ejected or excluded from establishments in this state or another
95 state to enter such facilities in this state upon a finding that
96 the attendance of such person would not be adverse to the public
97 interest or to the integrity of the industry; however, this
98 paragraph may not be construed to abrogate the common-law right
99 of a pari-mutuel permitholder or a proprietor of a gaming



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100 establishment to exclude absolutely a patron in this state.

101 (h) The department may collect taxes and require compliance
102 with reporting requirements for financial information as
103 authorized by chapter 550, chapter 551, or chapter 849. In
104 addition, the executive director of the department may require
105 gaming establishments within its jurisdiction within the state
106 to remit taxes, including fees, by electronic funds transfer.

107 (i) The department may conduct investigations necessary for
108 enforcing chapters 550, 551 and 849.

109 (j) The department may impose an administrative fine for a
110 violation under chapter 550, chapter 551, or chapter 849 of not
111 more than \$10,000 for each count or separate offense, except as
112 otherwise provided in chapter 550, chapter 551, or chapter 849,
113 and may suspend or revoke a permit, an operating license, or an
114 occupational license for a violation under chapter 550, chapter
115 551, or chapter 849. All fines imposed and collected under this
116 paragraph must be deposited with the Chief Financial Officer to
117 the credit of the General Revenue Fund.

118 (k) The department shall have sole authority and power to
119 make, adopt, amend, or repeal rules relating to gaming
120 operations, to enforce and to carry out the provisions of
121 chapters 550 and 551 and to regulate authorized gaming
122 activities in the state.

123 (l) The department may contract with the Department of Law
124 Enforcement, through an interagency agreement, to enforce any
125 criminal law or to conduct any criminal investigation.

126 (m) The department shall contract with the Department of
127 Revenue, through an interagency agreement, to perform the tax
128 collection and financial audit services for the taxes required



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129 to be collected by entities licensed or regulated by chapter
130 550, chapter 551, or chapter 849. The interagency agreement
131 shall also allow the Department of Revenue to assist in any
132 financial investigations of licensees or applications for
133 licenses by the Department of Gaming Control or law enforcement
134 agencies.

135 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department
136 shall work cooperatively with the Department of Revenue to
137 implement an automated method for periodically disclosing
138 information relating to current licensees to the Department of
139 Revenue. The purpose of this subsection is to promote the public
140 policy of this state as established in s. 409.2551. The
141 department shall, when directed by the court or the Department
142 of Revenue pursuant to s. 409.2598, suspend or deny the license
143 of any licensee found not to be in compliance with a support
144 order, subpoena, order to show cause, or written agreement
145 entered into by the licensee with the Department of Revenue. The
146 department shall issue or reinstate the license without
147 additional charge to the licensee when notified by the court or
148 the Department of Revenue that the licensee has complied with
149 the terms of the support order. The department is not liable for
150 any license denial or suspension resulting from the discharge of
151 its duties under this subsection.

152 (6) LICENSING.—The department may:

153 (a) Close and terminate deficient license application files
154 2 years after the department notifies the applicant of the
155 deficiency.

156 (b) Approve gaming-related license applications that meet
157 all statutory and rule requirements for licensure.



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158 Section 3. Subsection (1) of section 24.123, Florida
159 Statutes, is amended to read

160 24.123 Annual audit of financial records and reports.—

161 (1) The Legislative Auditing Committee shall contract with
162 a certified public accountant licensed pursuant to chapter 473
163 for an annual financial audit of the department. The certified
164 public accountant shall have no financial interest in any vendor
165 with whom the department is under contract. The certified public
166 accountant shall present an audit report no later than 7 months
167 after the end of the fiscal year and shall make recommendations
168 ~~to enhance the earning capability of the state lottery and to~~
169 improve the efficiency of department operations. The certified
170 public accountant shall also perform a study and evaluation of
171 internal accounting controls and shall express an opinion on
172 those controls in effect during the audit period. The cost of
173 the annual financial audit shall be paid by the department.

174 Section 4. Subsection (4) of section 120.80, Florida
175 Statutes, is amended, and subsections (19) and (20) are added to
176 that section, to read:

177 120.80 Exceptions and special requirements; agencies.—

178 (4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

179 ~~(a) Business regulation. The Division of Pari-mutuel~~
180 ~~Wagering is exempt from the hearing and notice requirements of~~
181 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~
182 ~~boards of judges when the hearing is to be held for the purpose~~
183 ~~of the imposition of fines or suspensions as provided by rules~~
184 ~~of the Division of Pari-mutuel Wagering, but not for~~
185 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
186 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~



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187 ~~alternative procedures, including a hearing upon reasonable~~
188 ~~notice, for the following violations:~~

189 ~~1. Horse riding, harness riding, greyhound interference,~~
190 ~~and jai alai game actions in violation of chapter 550.~~

191 ~~2. Application and usage of drugs and medication to horses,~~
192 ~~greyhounds, and jai alai players in violation of chapter 550.~~

193 ~~3. Maintaining or possessing any device which could be used~~
194 ~~for the injection or other infusion of a prohibited drug to~~
195 ~~horses, greyhounds, and jai alai players in violation of chapter~~
196 ~~550.~~

197 ~~4. Suspensions under reciprocity agreements between the~~
198 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~
199 ~~other states.~~

200 ~~5. Assault or other crimes of violence on premises licensed~~
201 ~~for pari-mutuel wagering.~~

202 ~~6. Prearranging the outcome of any race or game.~~

203 ~~(b) Professional regulation.—Notwithstanding s.~~

204 ~~120.57(1) (a), formal hearings may not be conducted by the~~
205 ~~Secretary of Business and Professional Regulation or a board or~~
206 ~~member of a board within the Department of Business and~~
207 ~~Professional Regulation for matters relating to the regulation~~
208 ~~of professions, as defined by chapter 455.~~

209 (19) DEPARTMENT OF GAMING CONTROL; PARI-MUTUEL WAGERING.—

210 (a) The department is exempt from the hearing and notice
211 requirements of ss. 120.569 and 120.57(1) (a) as applied to
212 stewards, judges, and boards of judges if the hearing is to be
213 held for the purpose of the imposition of fines or suspension as
214 provided by rules of the department, but not for revocations,
215 and only to consider violations of subparagraphs (b)1.-6.



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216 (b) The department shall adopt rules establishing
217 alternative procedures, including a hearing upon reasonable
218 notice, for the following:

219 1. Horse riding, harness riding, greyhound interference,
220 and jai alai game actions in violation of chapter 550.

221 2. Application and administration of drugs and medication
222 to horses, greyhounds, and jai alai players in violation of
223 chapter 550.

224 3. Maintaining or possessing any device that could be used
225 for the injection or other infusion of a prohibited drug into a
226 horse, greyhound, or jai alai players in violation of chapter
227 550.

228 4. Suspensions under reciprocity agreements between the
229 department and regulatory agencies of other states.

230 5. Assault or other crimes of violence on premises licensed
231 for pari-mutuel wagering.

232 6. Prearranging the outcome of any race or game.

233 (20) STATE GAMING COMMISSION.—

234 (a) Section 120.541(3) does not apply to the adoption of
235 rules by the department.

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

238 (c) Notwithstanding s. 120.542, the State Gaming Commission
239 may not accept a petition for waiver or variance and may not
240 grant any waiver or variance from the requirements of part III
241 of chapter 551.

242 Section 5. Chapter 551, Florida Statutes, consisting of
243 sections 551.101 through 551.123, is designated as part II of
244 that chapter and entitled "Slot Machines"; part I of that



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245 chapter, consisting of sections 551.002 through 551.012, as
246 created by this act, is entitled "State Gaming Commission"; and
247 part III of that chapter, consisting of sections 551.301 through
248 551.331, as created by this act, is entitled "Destination
249 Resorts."

250 Section 6. Section 551.002, Florida Statutes, is created to
251 read:

252 551.002 Definitions.—As used in this chapter, the term:

253 (1) "Affiliate" means a person or applicant who, directly
254 or indirectly, through one or more intermediaries:

255 (a) Controls, is controlled by, or is under common control
256 of;

257 (b) Is in a partnership or joint venture relationship with;
258 or

259 (c) Is a shareholder of a corporation, a member of a
260 limited liability company, or a partner in a limited liability
261 partnership with, an applicant for a resort license or a resort
262 licensee.

263 (2) "Chair" means the chair of the State Gaming Commission.

264 (3) "Commission" means the State Gaming Commission.

265 (4) "Conflict of interest" means a situation in which the
266 private interest of a member, employee, or agent of the
267 commission may influence his or her judgment in the performance
268 of his or her public duty under this chapter. A conflict of
269 interest includes, but is not limited to:

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



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274 (b) The acceptance of any form of compensation from a
275 source other than the commission for any services rendered as
276 part of the official duties of the member, employee, or agent of
277 the commission.

278 (c) Participation in any business transaction with or
279 before the commission in which the member, employee, or agent of
280 the commission, or the parent, spouse, or child of a member,
281 employee, or the agent, has a financial interest.

282 (5) "Department" means the Department of Gaming Control.

283 (6) "Division" means the Division of Licensure of the
284 department.

285 (7) "Executive director" means the executive director of
286 the department.

287 (8) "Financial interest" or "financially interested" means
288 any interest in investments or awarding of contracts, grants,
289 loans, purchases, leases, sales, or similar matters under
290 consideration or consummated by the commission or the
291 department, or ownership in an applicant or a licensee. A
292 member, employee, or agent of the commission is deemed to have a
293 financial interest in a matter if:

294 (a) The individual owns any interest in any class of
295 outstanding securities that are issued by a party to the matter
296 under consideration by the commission or the department, except
297 indirect interests such as a mutual fund or stock portfolios; or

298 (b) The individual is employed by or is an independent
299 contractor for a party to a matter under consideration by the
300 commission or the department.

301 Section 7. Section 551.003, Florida Statutes, is created to
302 read:



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303 551.003 State Gaming Commission; creation and membership.-

304 (1) CREATION.-There is created the State Gaming Commission.

305 The commission shall be composed of seven members who are
306 residents of the state and who have experience in corporate
307 finance, tourism, convention and resort management, gaming,
308 investigation or law enforcement, business law, or related legal
309 experience. The members of the commission shall serve as the
310 agency head of the commission. The commission is exempt from the
311 provisions of s. 20.052.

312 (2) MEMBERS.-Each member shall be appointed to a 4-year
313 term. However, for the purpose of providing staggered terms, of
314 the initial appointments, three members shall be appointed to 2-
315 year terms and four members shall be appointed to 4-year terms.
316 Terms expire on June 30. Upon the expiration of the term of a
317 commissioner, a successor shall be appointed in the same manner
318 as the original appointment to serve for a 4-year term. A
319 commissioner whose term has expired shall continue to serve on
320 the commission until such time as a replacement is appointed. If
321 a vacancy on the commission occurs before the expiration of the
322 term, it shall be filled for the unexpired portion of the term
323 in the same manner as the original appointment.

324 (a)1.a. One member of the commission must be a certified
325 public accountant licensed in this state who possesses at least
326 5 years of experience in general accounting. The member must
327 also possess a comprehensive knowledge of the principles and
328 practices of corporate finance or auditing, general finance,
329 gaming, or economics.

330 b. One member of the commission must have experience in the
331 fields of investigation or law enforcement.



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332 2. When making appointments to the commission, the Governor
333 shall announce the classification by experience of the person
334 appointed.

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

337 1. Is an elected state official;

338 2. Is licensed by the commission or is an officer of, has a
339 financial interest in, or has a direct or indirect contractual
340 relationship with any applicant for a resort license or resort
341 licensee;

342 3. Is related to any person within the second degree of
343 consanguinity of affinity who is an applicant for a license or
344 awarded a license by the commission or regulated by the
345 department; or

346 4. Has, within the 10 years preceding his or her
347 appointment, been under indictment for, convicted of, pled
348 guilty or nolo contendere to, or forfeited bail for a felony or
349 a misdemeanor involving gambling or fraud under the laws of this
350 or any other state or the United States.

351 (c) Members of the commission shall serve full time and
352 receive an annual salary of \$125,000. The chair shall receive an
353 annual salary of \$135,000.

354 (3) CHAIR AND VICE CHAIR.-

355 (a) The chair shall be appointed by the Governor. The vice
356 chair of the commission shall be elected by the members of the
357 commission during the first meeting of the commission on or
358 after July 1 of each year. The chair shall be the administrative
359 head of the commission. The chair shall set the agenda for each
360 meeting. The chair shall approve all notices, vouchers,



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361 subpoenas, and reports as required by law. The chair shall
362 preserve order and decorum and shall have general control of the
363 commission meetings. The chair shall decide all questions of
364 order. The chair may name any member of the commission to
365 perform the duties of the chair for a meeting if such
366 substitution does not extend beyond that meeting.

367 (b) If for any reason the chair is absent and fails to name
368 a member, the vice chair shall assume the duties of the chair
369 during the chair's absence. On the death, incapacitation, or
370 resignation of the chair, the vice chair shall perform the
371 duties of the office until the Governor appoints a successor.

372 (c) The administrative responsibilities of the chair are to
373 plan, organize, and control administrative support services for
374 the commission. Administrative functions include, but are not
375 limited to, finance and accounting, revenue accounting,
376 personnel, and office services.

377 (4) QUORUM.—Four members of the commission constitute a
378 quorum.

379 (5) HEADQUARTERS.—The headquarters of the commission shall
380 be located in Leon County.

381 (6) MEETINGS.—The commission shall meet at least monthly.
382 Meetings may be called by the chair or by four members of the
383 commission upon 72 hours' public notice. The initial meeting of
384 the commission shall be held within 30 days after the effective
385 date of this section.

386 (7) AGENCY HEAD.—The commission shall serve as the agency
387 head of the department for purposes of chapter 120. The
388 executive director of the commission may serve as the agency
389 head for purposes of final agency action under chapter 120 for



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390 all areas within the regulatory authority delegated to the
391 executive director's office.

392 Section 8. Effective upon this act becoming a law, section
393 551.004, Florida Statutes, is created to read:

394 551.004 State Gaming Commission Nominating Committee.-

395 (1) (a) There is created a State Gaming Commission
396 Nominating Committee consisting of six members. Three members of
397 the committee shall be members of the House of Representatives,
398 one of whom shall be a member of the minority party, who shall
399 be appointed by and serve at the pleasure of the Speaker of the
400 House of Representatives. Three members of the committee shall
401 be members of the Senate, one of whom shall be a member of the
402 minority party, who shall be appointed by and serve at the
403 pleasure of the President of the Senate. Initial appointments
404 under this section shall be made within 10 days after the
405 effective date of this section.

406 (b) The members shall serve 2-year terms concurrent with
407 the 2-year elected terms of House of Representatives members,
408 except that the initial members shall serve until the end of
409 their elected terms. Members may be appointed to two 2-year
410 terms. Vacancies on the committee shall be filled for the
411 unexpired portion of the term in the same manner as original
412 appointments to the committee.

413 (c) The President of the Senate shall appoint the chair of
414 the committee in even-numbered years and the vice chair in odd-
415 numbered years, and the Speaker of the House of Representatives
416 shall appoint the chair of the committee in odd-numbered years
417 and the vice chair in even-numbered years, from among the
418 council membership.



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419 (2) A member of the committee shall serve at the pleasure
420 of the presiding officer who appointed the member and may not
421 create the appearance of impropriety.

422 (3) A majority of the membership of the committee may
423 conduct any business before the committee. All meetings and
424 proceedings of the committee shall be staffed by the Office of
425 Legislative Services and shall be subject to ss. 119.07 and
426 286.011. Members of the committee are entitled to receive per
427 diem and travel expenses as provided in s. 112.061. Applicants
428 invited for interviews before the committee may, at the
429 discretion of the committee, receive per diem and travel
430 expenses as provided in s. 112.061. The committee shall
431 establish policies and procedures to govern the process by which
432 applicants for appointment to the commission are nominated.

433 (4) (a) The committee may spend a nominal amount, not to
434 exceed \$10,000, to advertise a vacancy on the commission.

435 (b) For initial selection of an executive director for the
436 Department of Gaming Control, the committee may advertise and
437 receive applications for employment as the executive director.
438 The committee shall provide the commission with all applications
439 received.

440 (5) A person may not be nominated to the Governor for
441 appointment to the commission until the committee has determined
442 that the person is competent and knowledgeable in one or more
443 fields as specified in s. 551.003 and the requirements for
444 appointees under s. 551.003 are met.

445 (6) It is the responsibility of the committee to nominate
446 to the Governor no fewer than three persons for each vacancy
447 occurring on the commission. The committee shall submit



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448 recommendations for the initial appointments to the commission
449 to the Governor within 60 days after the effective date of this
450 section. Thereafter, the committee shall submit the
451 recommendations to the Governor by March 15 of those years in
452 which the terms are to begin the following July, or within 60
453 days after a vacancy occurs for any reason other than the
454 expiration of the term.

455 (7) The Governor shall, pursuant to this section and s.
456 551.003, make initial appointments to the commission within 60
457 days after receiving the recommended nominees under this section
458 and fill any vacancy occurring on the commission by appointment
459 of one of the applicants nominated by the committee. An
460 appointment may be made only after a background investigation of
461 such applicant has been conducted by the Department of Law
462 Enforcement.

463 (8) Members of the commission shall be appointed by the
464 Governor and, notwithstanding s. 114.05(1)(e) and (f), shall be
465 subject to confirmation by the Senate under the following
466 conditions. The Senate may consider the appointment during the
467 regular session immediately following the effective date of the
468 appointment or during any subsequent regular or special session
469 during the term of the member. The Senate may confirm or refuse
470 to confirm the appointment during any regular or special
471 session.

472 (9) When the Governor makes an appointment to fill a
473 vacancy occurring due to expiration of the term, and that
474 appointment has not been confirmed by the Senate before the
475 appointing Governor's term ends, a successor Governor may,
476 within 30 days after taking office, recall the appointment and,



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477 prior to the first day of the next regular session, make a
478 replacement appointment from the list provided to the previous
479 Governor by the committee. Such an appointment is subject to
480 confirmation by the Senate pursuant to subsection (8).

481 Section 9. Section 551.006, Florida Statutes, is created to
482 read:

483 551.006 Executive director.- The chair of the commission
484 shall, pursuant to s. 20.05, appoint the executive director of
485 the department. The commission shall, pursuant to s. 20.05,
486 remove the executive director of the department by a majority
487 vote. An interim executive director shall be appointed within 10
488 days after the initial meeting of the commission.

489 (1) The executive director:

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

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

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

493 and

494 (d) May hire assistants, consultants, and employees as
495 necessary to conduct the business of the commission.

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

499 1. A resort licensee or supplier licensee;

500 2. An applicant for a resort license or an applicant for a
501 similar license in another jurisdiction;

502 3. An entity licensed to operate a gaming facility in
503 another state;

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



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506 5. A tribal gaming facility within this state.

507 (b) Notwithstanding paragraph (a), a person may be employed
508 by the commission if the commission finds that the person's
509 former interest in any licensee will not interfere with the
510 objective discharge of the person's employment obligations.
511 However, a person may not be employed by the commission if:

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

514 2. The person or the person's spouse, parent, child,
515 child's spouse, or sibling is a member of the commission, or a
516 director of, or a person financially interested in, an applicant
517 or a licensee.

518 Section 10. Section 551.007, Florida Statutes, is created
519 to read:

520 551.007 Law enforcement.—

521 (1) The department may employ sworn law enforcement
522 officers meeting the qualifications and certification
523 requirements under paragraph (a), and hire and train personnel
524 to be employed as sworn law enforcement officers, to enforce any
525 criminal law, conduct any criminal investigation, or enforce any
526 statute within the jurisdiction of the department.

527 (a) Each law enforcement officer must meet the
528 qualifications for law enforcement officers under s. 943.13 and
529 must be certified as a law enforcement officer by the Department
530 of Law Enforcement. Upon certification, each law enforcement
531 officer is subject to and has the authority provided to law
532 enforcement officers generally under chapter 901 and has
533 statewide jurisdiction.

534 (b) Each law enforcement officer has arrest authority as



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535 provided for state law enforcement officers under s. 901.15, and
536 full law enforcement powers granted to other officers of this
537 state, including the authority to make arrests, carry firearms,
538 serve court process, and seize contraband and proceeds from
539 illegal activities.

540 (c) Each law enforcement officer of the commission, upon
541 certification under s. 943.1395, has the same right and
542 authority to carry arms as do the sheriffs of this state.

543 (2) The department may also, by interagency agreement,
544 employ the Department of Law Enforcement to enforce any criminal
545 law, conduct any criminal investigation, or enforce any statute
546 within the jurisdiction of the commission or the department.

547 Section 11. Section 551.008, Florida Statutes, is created
548 to read:

549 551.008 Code of ethics.—

550 (1) The department shall adopt a code of ethics by rule for
551 its members, employees, and agents.

552 (2) A member of the commission or the executive director
553 may not hold a direct or indirect interest in, be employed by,
554 or enter into a contract for services with an applicant or
555 person licensed by the commission for a period of 3 years after
556 the date of termination of the person's membership on or
557 employment with the commission.

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

563 (4) A commission member or a person employed by the



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564 commission may not represent a person or party other than the
565 state before or against the commission for a period of 3 years
566 after the date of termination of the member's term of office or
567 the employee's period of employment with the commission.

568 (5) A business entity in which a former commission member,
569 employee, or agent has an interest, or any partner, officer, or
570 employee of that business entity, may not appear before or
571 represent another person before the commission if the former
572 commission member, employee, or agent would be prohibited from
573 doing so. As used in this subsection, the term "business entity"
574 means a corporation, limited liability company, partnership,
575 limited liability partnership association, trust, or other form
576 of legal entity.

577 (6) A member, employee, or agent of the commission may not,
578 during the duration of the person's appointment or employment:

579 (a) Use the person's official authority or influence for
580 the purpose of interfering with or affecting the result of an
581 election;

582 (b) Run for nomination or as a candidate for election to
583 any partisan or nonpartisan political office; or

584 (c) Knowingly solicit or discourage the participation in
585 any political activity of any person who is:

586 1. Applying for any compensation, grant, contract, ruling,
587 license, permit, or certificate pending before the commission;
588 or

589 2. The subject of or a participant in an ongoing audit,
590 investigation, or enforcement action being carried out by the
591 commission.

592 (7) A former member, employee, or agent of the commission



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593 may appear before the commission as a witness testifying as to
594 factual matters or actions handled by the former member,
595 employee, or agent during his or her tenure with the commission.
596 However, the former member, employee, or agent of the commission
597 may not receive compensation for the appearance other than a
598 standard witness fee and reimbursement for travel expenses as
599 established by statute or rules governing administrative
600 proceedings before the Division of Administrative Hearings.

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

603 (b) An employee or agent of the commission granted
604 permission for outside employment may not conduct any business
605 or perform any activities, including solicitation, related to
606 outside employment on premises used by the commission or during
607 the employee's working hours for the commission.

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

610 1. Operating a proprietorship;

611 2. Participating in a partnership or group business
612 enterprise; or

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

615 (9) A member, employee, or agent of the commission may not
616 participate in or wager on any game conducted by any resort
617 licensee or applicant or any affiliate of a licensee or
618 applicant regulated by the commission in this state or in any
619 other jurisdiction, except as required as part of the person's
620 surveillance, security, or other official duties.

621 Section 12. Section 551.009, Florida Statutes, is created



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622 to read:

623 551.009 Disclosures by commissioners, employees, and
624 agents.-

625 (1) COMMISSIONERS.-

626 (a) Each member of the commission must file a financial
627 disclosure statement pursuant to s. 112.3145.

628 (b) Each member must disclose information required by rules
629 of the commission to ensure the integrity of the commission and
630 its work.

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

633 1. Affirming that neither the member, nor the member's
634 spouse, parent, child, or child's spouse, is a member of the
635 board of directors of, financially interested in, or employed by
636 an applicant or resort licensee.

637 2. Affirming that the member is in compliance with part III
638 and the rules of the department.

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

642 (d) Each member must disclose involvement with any gaming
643 interest in the 3 years preceding appointment as a member.

644 (2) EMPLOYEES AND AGENTS.-

645 (a) The executive director and each managerial employee and
646 agent, as determined by the commission, must file a financial
647 disclosure statement pursuant to s. 112.3145. All employees and
648 agents must comply with the provisions of chapter 112.

649 (b) The executive director and each managerial employee and
650 agent identified by rule of the department must disclose



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651 information required by rules of the department to ensure the
652 integrity of the commission and its work.

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

655 1. Affirming that neither the employee, nor the employee's
656 spouse, parent, child, or child's spouse, is financially
657 interested in or employed by an applicant or licensee.

658 2. Affirming that the person does not have any financial
659 interest prohibited by laws or rules administered by the
660 department.

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

664 (d) Each employee or agent of the commission must disclose
665 involvement with any gaming interest during the 3 years before
666 employment.

667 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

668 (a) A member, employee, or agent of the commission who
669 becomes aware that the member, employee, or agent of the
670 commission or his or her spouse, parent, or child is a member of
671 the board of directors of, financially interested in, or
672 employed by an applicant or licensee must immediately provide
673 detailed written notice to the chair.

674 (b) A member, employee, or agent of the commission must
675 immediately provide detailed written notice of the circumstances
676 to the chair if the member, employee, or agent is indicted,
677 charged with, convicted of, pleads guilty or nolo contendere to,
678 or forfeits bail for:

679 1. A misdemeanor involving gambling, dishonesty, theft, or



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680 fraud;

681 2. A violation of any law in any state, or a law of the
682 United States or any other jurisdiction, involving gambling,
683 dishonesty, theft, or fraud which substantially corresponds to a
684 misdemeanor in this state; or

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

687 (c) A member, employee, or agent of the commission who is
688 negotiating for an interest in a licensee or an applicant, or is
689 affiliated with such a person, must immediately provide written
690 notice of the details of the interest to the chair. The member,
691 employee, or agent of the commission may not act on behalf of
692 the commission with respect to that person.

693 (d) A member, employee, or agent of the commission may not
694 enter into negotiations for employment with any person or
695 affiliate of any person who is an applicant, licensee, or
696 affiliate. If a member, employee, or agent of the commission
697 enters into negotiations for employment in violation of this
698 paragraph or receives an invitation, written or oral, to
699 initiate a discussion concerning employment with any person who
700 is a licensee, applicant, or affiliate, he or she must
701 immediately provide written notice of the details of any such
702 negotiations or discussions to the chair. The member, employee,
703 or agent of the commission may not take any action on behalf of
704 the commission with respect to that licensee or applicant.

705 (e) A licensee or applicant may not knowingly initiate a
706 negotiation for, or discussion of, employment with a member,
707 employee, or agent of the commission. A licensee or applicant
708 who initiates a negotiation or discussion about employment shall



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709 immediately provide written notice of the details of the
710 negotiation or discussion to the chair as soon as that person
711 becomes aware that the negotiation or discussion has been
712 initiated with a member, employee, or agent of the commission.

713 (f) A member, employee, or agent of the commission, or a
714 parent, spouse, sibling, or child of a member, employee, or
715 agent of the commission, may not accept any gift, gratuity,
716 compensation, travel, lodging, or anything of value, directly or
717 indirectly, from a licensee, applicant, or affiliate or
718 representative of a person regulated by the commission. A
719 member, employee, or agent of the commission who is offered or
720 receives any gift, gratuity, compensation, travel, lodging, or
721 anything of value, directly or indirectly, from any licensee,
722 applicant, or affiliate or representative of a person regulated
723 by the commission must immediately provide written notice of the
724 details to the chair.

725 (g) A licensee, applicant, or affiliate or representative
726 of an applicant or licensee may not, directly or indirectly,
727 knowingly give or offer to give any gift, gratuity,
728 compensation, travel, lodging, or anything of value to any
729 member or employee, or to a parent, spouse, sibling, or child of
730 a member, employee, or agent, which the member or employee is
731 prohibited from accepting under paragraph (f).

732 (h) A member, employee, or agent of the commission may not
733 engage in any conduct that constitutes a conflict of interest
734 and must immediately advise the chair in writing of the details
735 of any incident or circumstance that would suggest the existence
736 of a conflict of interest with respect to the performance of
737 commission-related work or duty of the member, employee, or



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738 agent of the commission.

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

743 Section 13. Section 551.011, Florida Statutes, is created
744 to read:

745 551.011 Ex parte communications.—

746 (1) A licensee, applicant, or affiliate or representative
747 of an applicant or licensee may not engage directly or
748 indirectly in ex parte communications concerning a pending
749 application, license, or enforcement action with a member of the
750 commission or concerning a matter that likely will be pending
751 before the commission. A member of the commission may not engage
752 directly or indirectly in any ex parte communications concerning
753 a pending application, license, or enforcement action with
754 members of the commission, or with a licensee, applicant, or
755 affiliate or representative of an applicant or licensee, or
756 concerning a matter that likely will be pending before the
757 commission.

758 (2) Any commission member, licensee, applicant, or
759 affiliate or representative of a commission member, licensee, or
760 applicant who receives any ex parte communication in violation
761 of subsection (1), or who is aware of an attempted communication
762 in violation of subsection (1), must immediately report details
763 of the communication or attempted communication in writing to
764 the chair.

765 (3) If a commissioner knowingly receives an ex parte
766 communication relative to a proceeding to which he or she is



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767 assigned, he or she must place on the record copies of all
768 written communications received, copies of all written responses
769 to the communications, and a memorandum stating the substance of
770 all oral communications received and all oral responses made,
771 and shall give written notice to all parties to the
772 communication that such matters have been placed on the record.
773 Any party who desires to respond to an ex parte communication
774 may do so. The response must be received by the commission
775 within 10 days after receiving notice that the ex parte
776 communication has been placed on the record. The commissioner
777 may, if he or she deems it necessary to eliminate the effect of
778 an ex parte communication received by him or her, withdraw from
779 the proceeding potentially impacted by the ex parte
780 communication. After a commissioner withdraws from the
781 proceeding, the chair shall substitute another commissioner for
782 the proceeding if the proceeding was not assigned to the full
783 commission.

784 (4) Any individual who makes an ex parte communication must
785 submit to the commission a written statement describing the
786 nature of the communication, including the name of the person
787 making the communication, the name of the commissioner or
788 commissioners receiving the communication, copies of all written
789 communications made, all written responses to such
790 communications, and a memorandum stating the substance of all
791 oral communications received and all oral responses made. The
792 commission shall place on the record of a proceeding all such
793 communications.

794 (5) A member of the commission who knowingly fails to place
795 on the record any ex parte communications, in violation of this



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796 section, within 15 days after the date of the communication is
797 subject to removal and may be assessed a civil penalty not to
798 exceed \$25,000.

799 (6) The Commission on Ethics shall receive and investigate
800 sworn complaints of violations of this section pursuant to ss.
801 112.322-112.3241.

802 (7) If the Commission on Ethics finds that a member of the
803 commission has violated this section, it shall provide the
804 Governor with a report of its findings and recommendations. The
805 Governor may enforce the findings and recommendations of the
806 Commission on Ethics pursuant to part III of chapter 112.

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

811 (9) If, during the course of an investigation by the
812 Commission on Ethics into an alleged violation of this section,
813 allegations are made as to the identity of the person who
814 participated in the ex parte communication, that person must be
815 given notice and an opportunity to participate in the
816 investigation and relevant proceedings to present a defense. If
817 the Commission on Ethics determines that the person participated
818 in the ex parte communication, the person may not appear before
819 the commission or otherwise represent anyone before the
820 commission for 2 years.

821 Section 14. Section 551.012, Florida Statutes, is created
822 to read:

823 551.012 Penalties for misconduct by a commissioner,
824 employee, or agent.-



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825 (1) A violation of this chapter by a member of the
826 commission may result in disqualification or constitute cause
827 for removal by the Governor or other disciplinary action as
828 determined by the commission.

829 (2) A violation of this chapter by an employee or agent of
830 the commission does not require termination of employment or
831 other disciplinary action if:

832 (a) The commission determines that the conduct involved
833 does not violate the purposes this chapter; or

834 (b) There was no intentional action on the part of the
835 employee or agent, contingent on divestment of any financial
836 interest within 30 days after the interest was acquired.

837 (3) Notwithstanding subsection (2), an employee or agent of
838 the commission who violates this chapter shall be terminated if
839 a financial interest in a licensee, applicant, or affiliate or
840 representative of a licensee or applicant is acquired by:

841 (a) An employee of the commission; or

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

843 (4) A violation of this chapter does not create a civil
844 cause of action.

845 Section 15. Section 551.301, Florida Statutes, is created
846 to read:

847 551.301 This part may be cited as the "Destination Resort
848 Act" or the "Resort Act."

849 Section 16. Section 551.302, Florida Statutes, is created
850 to read:

851 551.302 Definitions.—As used in this part, the term:

852 (1) "Ancillary areas" includes the following areas within a
853 limited gaming facility, unless the context otherwise requires:



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

857 (b) Back-of-house facilities.

858 (c) Any reception or information counter.

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

861 (e) Any retail outlet.

862 (f) Any area designated for performances.

863 (g) Any area designated for aesthetic or decorative
864 displays.

865 (h) Staircases, staircase landings, escalators, lifts, and
866 lift lobbies.

867 (i) Bathrooms.

868 (j) Any other area that is not intended to be used for the
869 conduct or playing of games or as a gaming pit as defined by
870 rules of the department or specified in the application for the
871 destination resort license.

872 (2) "Applicant," as the context requires, means a person
873 who applies for a resort license, supplier license, or
874 occupational license. A county, municipality, or other unit of
875 government is prohibited from applying for a resort license.

876 (3) "Credit" means the method by which a licensee issues
877 chips or tokens to a wagerer of the licensee to play games or
878 slot machines, in return for which the wagerer executes a credit
879 instrument to evidence the debt owed. The issuance of credit to
880 a wagerer may not be deemed a loan from the licensee to the
881 wagerer.

882 (4) "Destination resort" or "resort" means a freestanding,



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883 land-based structure in which limited gaming may be conducted. A
884 destination resort is a mixed-use development consisting of a
885 combination of various tourism amenities and facilities,
886 including, but not limited to, hotels, villas, restaurants,
887 limited gaming facilities, convention facilities, attractions,
888 entertainment facilities, service centers, and shopping centers.

889 (5) "Destination resort license" or "resort license" means
890 a license to operate and maintain a destination resort having a
891 limited gaming facility.

892 (6) "District" means a county in which a majority of the
893 electors voting in a countywide referendum have passed a
894 referendum allowing for limited gaming to be conducted in that
895 county.

896 (7) "Gaming pit" means an area commonly known as a gaming
897 pit or any similar area from which limited gaming employees
898 administer and supervise the games.

899 (8) "Gross receipts" means the total of cash or cash
900 equivalents received or retained as winnings by a resort
901 licensee and the compensation received for conducting any game
902 in which the resort licensee is not party to a wager, less cash
903 taken in fraudulent acts perpetrated against the resort licensee
904 for which the resort licensee is not reimbursed. The term does
905 not include:

906 (a) Counterfeit money or tokens;

907 (b) Coins of other countries which are received in gaming
908 devices and which cannot be converted into United States
909 currency;

910 (c) Promotional credits or free play as provided by the
911 licensee as a means of marketing the limited gaming facility; or



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- 912 (d) The amount of any credit extended until collected.
- 913 (9) "Individual" means a natural person.
- 914 (10) "Institutional investor" means, but is not limited to:
- 915 (a) A retirement fund administered by a public agency for
916 the exclusive benefit of federal, state, or county public
917 employees.
- 918 (b) An employee benefit plan or pension fund that is
919 subject to the Employee Retirement Income Security Act of 1974.
- 920 (c) An investment company registered under the Investment
921 Company Act of 1940.
- 922 (d) A collective investment trust organized by a bank under
923 12 C.F.R. part 9, s. 9.18.
- 924 (e) A closed-end investment trust.
- 925 (f) A life insurance company or property and casualty
926 insurance company.
- 927 (g) A financial institution.
- 928 (h) An investment advisor registered under the Investment
929 Advisers Act of 1940.
- 930 (i) Such other persons as the commission may determine for
931 reasons consistent with the policies of this part.
- 932 (11) "Junket enterprise" means any person who, for
933 compensation, employs or otherwise engages in the procurement or
934 referral of persons for a junket to a destination resort
935 licensed under this part regardless of whether those activities
936 occur within this state. The term does not include a resort
937 licensee or applicant for a resort license or a person holding
938 an occupational license.
- 939 (12) "License," as the context requires, means a resort
940 license, limited gaming license, supplier license, manufacturer



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941 license, or occupational license.

942 (13) "Licensee," as the context requires, means a person
943 who is licensed as a resort licensee, limited gaming licensee,
944 supplier licensee, manufacturer licensee, or occupational
945 licensee.

946 (14) "Limited gaming," "game," or "gaming," as the context
947 requires, means the games authorized under this part in a
948 limited gaming facility, including, but not limited to, those
949 commonly known as baccarat, twenty-one, poker, craps, slot
950 machines, video gaming of chance, roulette wheels, Klondike
951 tables, punch-board, faro layout, numbers ticket, push car, jar
952 ticket, pull tab, or their common variants, or any other game of
953 chance or wagering device that is authorized by the commission.

954 (15) "Limited gaming employee" or "gaming employee" means
955 any employee of a resort licensee, including, but not limited
956 to:

957 (a) Cashiers.

958 (b) Change personnel.

959 (c) Count room personnel.

960 (d) Slot machine attendants.

961 (e) Hosts or other individuals authorized to extend
962 complimentary services, including employees performing functions
963 similar to those performed by a representative for a junket
964 enterprise.

965 (f) Machine mechanics and computer technicians performing
966 duties on machines with gaming-related functions or table game
967 device technicians.

968 (g) Security personnel.

969 (h) Surveillance personnel.



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970 (i) Promotional play supervisors, credit supervisors, pit
971 supervisors, cashier supervisors, gaming shift supervisors,
972 table game managers, assistant managers, and other supervisors
973 and managers.

974 (j) Boxmen.

975 (k) Dealers or croupiers.

976 (l) Floormen.

977 (m) Personnel authorized to issue promotional credits.

978 (n) Personnel authorized to issue credit.

979

980 The term does not include bartenders, cocktail servers, or
981 other persons engaged in preparing or serving food or beverages,
982 clerical or secretarial personnel, parking attendants,
983 janitorial staff, stage hands, sound and light technicians, and
984 other nongaming personnel as determined by the commission. The
985 term includes a person employed by a person or entity other than
986 a resort licensee who performs the functions of a limited gaming
987 employee.

988 (16) "Limited gaming facility" means the limited gaming
989 floor and any ancillary areas.

990 (17) "Limited gaming floor" means the approved gaming area
991 of a resort or a pari-mutuel facility in which limited gaming
992 may be conducted. Ancillary areas in or directly adjacent to the
993 gaming area are not part of the limited gaming floor for
994 purposes of calculating the size of the limited gaming floor.

995 (18) "Limited gaming license" means a license to conduct
996 limited gaming as provided in s. 551.3135 at authorized pari-
997 mutuel facilities.

998 (19) "Managerial employee" has the same meaning as in s.



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999 447.203(4).

1000 (20) "Occupational licensee" means a person who is licensed
1001 to be a limited gaming employee.

1002 (21) "Qualifier" means an affiliate, affiliated company,
1003 officer, director, or managerial employee of an applicant for a
1004 resort license, or a person who holds a direct or indirect
1005 equity interest in the applicant. The term may include an
1006 institutional investor. As used in this subsection, the terms
1007 "affiliate," "affiliated company," and "a person who holds a
1008 direct or indirect equity interest in the applicant" do not
1009 include a partnership, a joint venture relationship, a
1010 shareholder of a corporation, a member of a limited liability
1011 company, or a partner in a limited liability partnership that
1012 has a direct or indirect equity interest in the applicant for a
1013 resort license of 5 percent or less and is not involved in the
1014 gaming operations as defined by the rules of the department.

1015 (22) "Supplier licensee" or "supplier" means a person who
1016 is licensed to furnish gaming equipment, devices, or supplies or
1017 other goods or services to a resort licensee.

1018 (23) "Tournament" means an organized series of contests
1019 approved by the commission in which an overall winner is
1020 ultimately determined.

1021 (24) "Wagerer" means a person who plays a game authorized
1022 under this part.

1023 Section 17. Section 551.304, Florida Statutes, is created
1024 to read:

1025 551.304 State Gaming Commission; powers and duties.—

1026 (1) The commission shall:

1027 (a) Authorize limited gaming at three destination resorts.



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1028 (b) Conduct such investigations as necessary to fulfill its
1029 responsibilities.

1030 (c) Use an invitation to negotiate process for applicants
1031 based on minimum requirements established by this part and rules
1032 of the department.

1033 (d) Investigate applicants for a resort license and
1034 determine the eligibility of applicants for a resort license and
1035 select from competing applicants the applicant that best serves
1036 the interests of the residents of Florida, based on the
1037 potential for economic development presented by the applicant's
1038 proposed investment in infrastructure, such as hotels and other
1039 nongaming entertainment facilities, and the applicant's ability
1040 to maximize revenue for the state.

1041 (e) Grant a license to the applicant best suited to operate
1042 a destination resort that has limited gaming.

1043 (f) Grant a license to authorized pari-mutuel facilities
1044 for limited gaming.

1045 (g) Establish and collect fees for performing background
1046 checks on all applicants for licenses and all persons with whom
1047 the commission may contract for the providing of goods or
1048 services and for performing, or having performed, tests on
1049 equipment and devices to be used in a limited gaming facility.

1050 (h) Issue subpoenas for the attendance of witnesses and
1051 subpoenas duces tecum for the production of books, records, and
1052 other pertinent documents as provided by law, and to administer
1053 oaths and affirmations to the witnesses, if, in the judgment of
1054 the commission, it is necessary to enforce this part or
1055 department rules. If a person fails to comply with a subpoena,
1056 the commission may petition the circuit court of the county in



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1057 which the person subpoenaed resides or has his or her principal
1058 place of business for an order requiring the subpoenaed person
1059 to appear and testify and to produce books, records, and
1060 documents as specified in the subpoena. The court may grant
1061 legal, equitable, or injunctive relief, which may include, but
1062 is not limited to, issuance of a writ of ne exeat or restraint
1063 by injunction or appointment of a receiver of any transfer,
1064 pledge, assignment, or other disposition of such person's assets
1065 or any concealment, alteration, destruction, or other
1066 disposition of subpoenaed books, records, or documents, as the
1067 court deems appropriate, until the person subpoenaed has fully
1068 complied with the subpoena and the commission has completed the
1069 audit, examination, or investigation. The commission is entitled
1070 to the summary procedure provided in s. 51.011, and the court
1071 shall advance the cause on its calendar. Costs incurred by the
1072 commission to obtain an order granting, in whole or in part,
1073 such petition for enforcement of a subpoena shall be charged
1074 against the subpoenaed person, and failure to comply with such
1075 order is a contempt of court.

1076 (i) The commission shall require each applicant for a
1077 license to produce the information, documentation, and
1078 assurances as may be necessary to establish by clear and
1079 convincing evidence the integrity of all financial backers,
1080 investors, mortgagees, bondholders, and holders of indentures,
1081 notes or other evidences of indebtedness, either in effect or
1082 proposed. Any such banking or lending institution and
1083 institutional investors may be waived from qualification
1084 requirements. However, banking or lending institutions or
1085 institutional investors shall produce for the board upon request



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1086 any document or information that bears any relation to the
1087 proposal submitted by the applicant or applicants. The integrity
1088 of the financial sources shall be judged upon the same standards
1089 as the applicant or applicants. Any such person or entity shall
1090 produce for the commission upon request any document or
1091 information that bears any relation to the application. In
1092 addition, the applicant shall produce whatever information,
1093 documentation, or assurances the commission requires to
1094 establish by clear and convincing evidence the adequacy of
1095 financial resources.

1096 (j) Require or permit a person to file a statement in
1097 writing, under oath or otherwise as the commission or its
1098 designee requires, as to all the facts and circumstances
1099 concerning the matter to be audited, examined, or investigated.

1100 (k) Keep accurate and complete records of its proceedings
1101 and to certify the records as may be appropriate.

1102 (l) Take any other action as may be reasonable or
1103 appropriate to enforce this part and rules adopted by the
1104 department.

1105 (m) Apply for injunctive or declaratory relief in a court
1106 of competent jurisdiction to enforce this part and any rules
1107 adopted by the department.

1108 (n) Establish field offices, as deemed necessary by the
1109 commission.

1110 (2) The Department of Law Enforcement and local law
1111 enforcement agencies may investigate any criminal violation of
1112 law occurring at a licensee. Such investigations may be
1113 conducted in conjunction with the appropriate state attorney.

1114 (3) (a) The commission, the Department of Law Enforcement,



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1115 and local law enforcement agencies shall have unrestricted
1116 access to the limited gaming facility at all times and shall
1117 require of each licensee strict compliance with the laws of this
1118 state relating to the transaction of such business. The
1119 commission and the Department of Law Enforcement may:

1120 1. Inspect and examine premises where authorized limited
1121 gaming devices are offered for play.

1122 2. Inspect slot machines, other authorized gaming devices,
1123 and related equipment and supplies.

1124 (b) In addition, the commission may:

1125 1. Collect taxes, assessments, fees, and penalties.

1126 2. Deny, revoke, or suspend a license of, or place
1127 conditions on, a licensee who violates any provision of this
1128 part, a rule adopted by the department, or an order of the
1129 commission.

1130 (4) The commission must revoke or suspend the license of
1131 any person who is no longer qualified or who is found, after
1132 receiving a license, to have been unqualified at the time of
1133 application for the license.

1134 (5) This section does not:

1135 (a) Prohibit the Department of Law Enforcement or any law
1136 enforcement authority whose jurisdiction includes a licensee
1137 from conducting investigations of criminal activities occurring
1138 at the facilities of a licensee;

1139 (b) Restrict access to the limited gaming facility by the
1140 Department of Law Enforcement or any local law enforcement
1141 authority whose jurisdiction includes a licensee's facility; or

1142 (c) Restrict access by the Department of Law Enforcement or
1143 a local law enforcement agency to information and records



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1144 necessary for the investigation of criminal activity which are
1145 contained within the facilities of a licensee.

1146 Section 18. Section 551.305, Florida Statutes, is created
1147 to read:

1148 551.305 Rulemaking.-

1149 (1) The department shall adopt all rules necessary to
1150 implement, administer, and regulate limited gaming under this
1151 part. The rules must include:

1152 (a) The types of limited gaming activities to be conducted
1153 and the rules for those games, including any restriction upon
1154 the time, place, and structures where limited gaming is
1155 authorized.

1156 (b) Requirements, procedures, qualifications, and grounds
1157 for the issuance, renewal, revocation, suspension, and summary
1158 suspension of a license.

1159 (c) Requirements for the disclosure of the complete
1160 financial interests of licensees and applicants for licenses.

1161 (d) Technical requirements and the qualifications that are
1162 necessary to receive a license.

1163 (e) Procedures to scientifically test and technically
1164 evaluate slot machines, including all components, hardware, and
1165 software for slot machines, and other authorized gaming devices
1166 for compliance with this part and the rules adopted by the
1167 department. The commission may contract with an independent
1168 testing laboratory to conduct any necessary testing. The
1169 independent testing laboratory must have a national reputation
1170 for being demonstrably competent and qualified to scientifically
1171 test and evaluate slot machines and other authorized gaming
1172 devices. An independent testing laboratory may not be owned or



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1173 controlled by a licensee. The use of an independent testing
1174 laboratory for any purpose related to the conduct of slot
1175 machine gaming and other authorized gaming by a licensee shall
1176 be made from a list of laboratories approved by the commission.

1177 (f) Procedures relating to limited gaming revenues,
1178 including verifying and accounting for such revenues, auditing,
1179 and collecting taxes and fees.

1180 (g) Requirements for limited gaming equipment, including
1181 the types and specifications of all equipment and devices that
1182 may be used in limited gaming facilities.

1183 (h) Standards and procedures for table games and table game
1184 devices or associated equipment.

1185 (i) Standards and rules to govern the conduct of limited
1186 gaming and the system of wagering associated with limited
1187 gaming.

1188 (j) Security standards and procedures for the conduct of
1189 limited gaming, including the standards and procedures relating
1190 to inspections, maintenance of the count room, and drop boxes.

1191 (k) The size and uniform color by denomination of all chips
1192 used in the conduct of table games.

1193 (l) Internal control systems and audit protocols for the
1194 licensee's limited gaming operations, including collection and
1195 recordkeeping requirements.

1196 (m) The method for calculating gross gaming revenue and
1197 standards for the daily counting and recording of cash and cash
1198 equivalents received in the conduct of limited gaming.

1199 (n) Notice requirements pertaining to minimum and maximum
1200 wagers on games, and other information as the commission may
1201 require.



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1202 (o) Minimum standards relating to the acceptance of tips
1203 or gratuities by dealers and croupiers at a table game.

1204 (p) Minimum standards for the training of employees and
1205 potential employees of a license in the operation of slot
1206 machines and table game training, including minimal proficiency
1207 requirements for individuals, and standards and practices for
1208 the use of training equipment.

1209 (q) Practices and procedures governing the conduct of
1210 tournaments.

1211 (r) Minimum standards relating to the extension of credit
1212 to a player by a licensee.

1213 (s) Standards for the testing, certification, and
1214 inspection of slot machines, table games, and other authorized
1215 gaming devices.

1216 (t) Procedures for regulating, managing, and auditing the
1217 operation, financial data, and program information relating to
1218 limited gaming which allow the commission and the Department of
1219 Law Enforcement to audit the operation, financial data, and
1220 program information of a licensee, as required by the commission
1221 or the Department of Law Enforcement, and provide the commission
1222 and the Department of Law Enforcement with the ability to
1223 monitor, at any time on a real-time basis, wagering patterns,
1224 payouts, tax collection, and compliance with any rules adopted
1225 by the department for the regulation and control of limited
1226 gaming. Such continuous and complete access, at any time on a
1227 real-time basis, shall include the ability of either the
1228 commission or the Department of Law Enforcement to suspend play
1229 immediately on particular slot machines or other gaming devices
1230 if monitoring of the facilities-based computer system indicates



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1231 possible tampering or manipulation of those slot machines or
1232 gaming devices or the ability to suspend play immediately of the
1233 entire operation if the tampering or manipulation is of the
1234 computer system itself. The commission shall notify the
1235 Department of Law Enforcement and the Department of Law
1236 Enforcement shall notify the commission, as appropriate,
1237 whenever there is a suspension of play pursuant this paragraph.
1238 The commission and the Department of Law Enforcement shall
1239 exchange information that is necessary for, and cooperate in the
1240 investigation of, the circumstances requiring suspension of play
1241 pursuant to this paragraph.

1242 (u) Procedures for requiring each licensee at his or her
1243 own cost and expense to supply the commission with a bond as
1244 required.

1245 (v) The requirements for a destination resort applicant to
1246 demonstrate that it has received conceptual approval for the
1247 destination resort proposal from the municipality and county in
1248 which the resort will be located.

1249 (w) Procedures for requiring licensees to maintain and to
1250 provide to the commission records, data, information, or
1251 reports, including financial and income records.

1252 (x) Procedures to calculate the payout percentages of slot
1253 machines.

1254 (y) Minimum standards for security of the facilities,
1255 including floor plans, security cameras, and other security
1256 equipment.

1257 (z) The scope and conditions for investigations and
1258 inspections into the conduct of limited gaming.

1259 (aa) The standards and procedures for the seizure without



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1260 notice or hearing of gaming equipment, supplies, or books and
1261 records for the purpose of examination and inspection.

1262 (bb) Procedures for requiring resort licensees , limited
1263 gaming licensees, and supplier licensees to implement and
1264 establish drug-testing programs for employees.

1265 (cc) Procedures and guidelines for the continuous recording
1266 of all gaming activities at a limited gaming facility. The
1267 commission may require a licensee to timely provide all or part
1268 of the original recordings pursuant to a schedule.

1269 (dd) The payment of costs incurred by the commission or any
1270 other agencies for investigations or background checks or costs
1271 associated with testing limited gaming related equipment, which
1272 must be paid by an applicant for a license or a licensee.

1273 (ee) The levying of fines for violations of this part or
1274 any rule adopted by the department, which fines may not exceed
1275 \$250,000 per violation arising out of a single transaction.

1276 (ff) Any other rules the department finds necessary for
1277 safe, honest, and highly regulated gaming in the state. For
1278 purposes of this paragraph, the department shall consider rules
1279 from any other jurisdiction in which gaming is highly regulated,
1280 such as New Jersey or Nevada.

1281 (gg) Any other rule necessary to accomplish the purposes of
1282 this part.

1283 (2) The department may at any time adopt emergency rules
1284 pursuant to s. 120.54. The Legislature finds that such emergency
1285 rulemaking power is necessary for the preservation of the rights
1286 and welfare of the people in order to provide additional funds
1287 to benefit the public. The Legislature further finds that the
1288 unique nature of limited gaming operations requires, from time



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1289 to time, that the commission respond as quickly as is
1290 practicable. Therefore, in adopting such emergency rules, the
1291 department need not make the findings required by s.
1292 120.54(4) (a). Emergency rules adopted under this section are
1293 exempt from s. 120.54(4) (c). However, the emergency rules may
1294 not remain in effect for more than 180 days except that the
1295 department may renew the emergency rules during the pendency of
1296 procedures to adopt permanent rules addressing the subject of
1297 the emergency rules.

1298 Section 19. Section 551.306, Florida Statutes, is created
1299 to read:

1300 551.306 Legislative authority; administration of part.—The
1301 regulation of the conduct of limited gaming activity at a
1302 licensee is preempted to the state and a county, municipality,
1303 or other political subdivision of the state may not enact any
1304 ordinance relating to limited gaming. Only the department and
1305 other authorized state agencies may administer this part and
1306 regulate limited gaming, including limited gaming at licensees
1307 and the assessment of fees or taxes relating to the conduct of
1308 limited gaming.

1309 Section 20. Section 551.307, Florida Statutes, is created
1310 to read:

1311 551.307 Authorization of limited gaming at destination
1312 resorts.—Notwithstanding any other provision of law, the
1313 commission may award a resort license authorizing limited gaming
1314 in a county only if a majority of the electors voting in a
1315 countywide referendum have passed a referendum allowing for
1316 limited gaming in that county. If limited gaming is authorized
1317 through the award of a resort license, the resort licensee may



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1318 possess slot machines and other authorized gaming devices and
1319 conduct limited gaming at the licensed location. Notwithstanding
1320 any other provision of law, a person who is at least 21 years of
1321 age may lawfully participate in authorized games at a facility
1322 licensed to possess authorized limited gaming devices and
1323 conduct limited gaming or to participate in limited gaming as
1324 described in this part. All limited gaming shall be conducted in
1325 a designated limited gaming floor that is segregated from the
1326 rest of the resort facility so that patrons may have ingress and
1327 egress to the resort facility without entering the designated
1328 limited gaming floor.

1329 Section 21. Section 551.308, Florida Statutes, is created
1330 to read:

1331 551.308 Process for awarding destination resort licenses.-

1332 (1) The commission shall by rule use an invitation to
1333 negotiate process for determining the award of a resort license.
1334 The application, review, and issuance procedures for awarding a
1335 license shall be by a process in which applicants rely on forms
1336 provided by the commission in response to an invitation to
1337 negotiate issued by the commission. The commission shall issue
1338 the invitation to negotiate no later than 90 days after the date
1339 of the commission's first meeting.

1340 (2) Proposals in response to the invitation to negotiate
1341 must be received by the commission no later than 90 days after
1342 the issuance of the invitation to negotiate.

1343 (3) The commission may specify in its invitation to
1344 negotiate the county in which the facility would be located.
1345 When determining whether to authorize a destination resort
1346 located within a specific county or counties, the commission



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1347 shall hold a public hearing in such county or counties to
1348 discuss the proposals and receive public comments on
1349 determination of the award of licenses.

1350 (4) The commission shall review all complete replies
1351 received pursuant to an invitation to negotiate. The commission
1352 may select one or more replies with which to commence
1353 negotiations after determining which replies are in the best
1354 interest of the state based on the selection criteria. The
1355 commission shall award or deny a destination resort license
1356 within 90 days after the deadline for the submission of a reply.

1357 (5) The commission may expand the deadlines required under
1358 this section by rule of the department if the commission makes
1359 specific findings that the deadlines are not able to be met and
1360 the reasons that the deadlines are not able to be met.

1361 (6) If the commission does not award all three resort
1362 licenses at the conclusion of the process described in
1363 subsections (1) through (4), the commission may issue one or
1364 more additional invitations to negotiate, pursuant to deadlines
1365 established by rule of the department, to award any authorized
1366 destination resort licenses that were not awarded during the
1367 initial award process.

1368 Section 22. Section 551.309, Florida Statutes, is created
1369 to read:

1370 551.309 Criteria for the award of a destination resort
1371 license.—The commission may award no more than three destination
1372 resort licenses.

1373 (1) The commission may award a resort license to the
1374 applicant of an invitation to negotiate which best serves the
1375 interests of the residents of this state. The reply to an



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1376 invitation to negotiate for a resort license must include an
1377 application that demonstrates the applicant's ability to meet
1378 the following minimum criteria:

1379 (a) The applicant must demonstrate a capacity to increase
1380 tourism, generate jobs, provide revenue to the local economy,
1381 and provide revenue to the General Revenue Fund.

1382 (b) The limited gaming floor in a destination resort may
1383 constitute no more than 10 percent of the resort development's
1384 total square footage. The resort development's total square
1385 footage is the aggregate of the total square footage of the
1386 limited gaming facility, the hotel or hotels, convention space,
1387 retail facilities, nongaming entertainment facilities, service
1388 centers, and office space or administrative areas.

1389 (c) The applicant must demonstrate a history of, or a bona
1390 fide plan for, community involvement or investment in the
1391 community where the resort having a limited gaming facility will
1392 be located.

1393 (d) The applicant must demonstrate a history of investment
1394 in the communities which its previous developments have been
1395 located.

1396 (e) The applicant must demonstrate the financial ability to
1397 purchase and maintain an adequate surety bond.

1398 (f) The applicant must demonstrate that it has adequate
1399 capitalization to develop, construct, maintain, and operate the
1400 proposed resort having a limited gaming facility in accordance
1401 with the requirements of this part and rules adopted by the
1402 department and to responsibly meet its secured and unsecured
1403 debt obligations in accordance with its financial and other
1404 contractual agreements.



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1405 (g) The applicant must demonstrate the ability to implement
1406 a program to train and employ residents of this state for jobs
1407 that will be available at the destination resort, including its
1408 ability to implement a program for the training of low-income
1409 persons.

1410 (h) The commission may, at its discretion, assess the
1411 quality of the proposed development's aesthetic appearance in
1412 the context of its potential to provide substantial economic
1413 benefits to the community and the people of this state,
1414 including, but not limited to, its potential to provide
1415 substantial employment opportunities.

1416 (i) The applicant must show how it will integrate with
1417 local businesses in host and surrounding communities, including
1418 local restaurants, hotels, retail outlets, and impacted live
1419 entertainment venues.

1420 (j) The applicant must demonstrate its ability to build a
1421 destination resort of a high caliber with a variety of high
1422 quality amenities to be included as part of the establishment
1423 that will enhance the state's tourism industry.

1424 (k) The applicant must demonstrate how it will contract
1425 with local business owners for the provision of goods and
1426 services, including developing plans designed to assist
1427 businesses in the state and local economy.

1428 (l) The applicant must demonstrate that it will expend at
1429 least \$2 billion in new development and construction of the
1430 proposed destination resort following the award of a license,
1431 which may include improvements to the property, furnishings, and
1432 other equipment, as determined by the commission, excluding any
1433 purchase price and costs associated with the acquisition of real



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1434 property on which to develop the destination resort and
1435 excluding any impact fees. Such expenditure must in the
1436 aggregate be completed within 5 years after the award of any
1437 such license.

1438 (m) The applicant must demonstrate the ability to generate
1439 substantial gross receipts.

1440 (n) Any other criteria the applicant deems necessary to
1441 assist the commission in its scoring as outlined in the act.

1442 (2) (a) The commission shall evaluate applications based on
1443 the following weighted criteria:

1444 1. Design and location: 20 percent.

1445 a. The location shall be evaluated based on the ability of
1446 the community to sustain such a development, the support of the
1447 local community in bringing the development to the community,
1448 and an analysis of the revenue that will be generated by the
1449 facility.

1450 b. Design shall be evaluated based on the potential
1451 operator's ability to integrate the facilities design into the
1452 local community and whether the size and scope of the project
1453 will integrate properly into the community.

1454 2. Management expertise and speed to market: 40 percent.

1455 The criteria for evaluation shall be:

1456 a. The applicant's experience building and managing a
1457 resort the scope and size of the proposed resort.

1458 b. The applicant's plan to build and manage the resort and
1459 the operator's timeline for completion of the resort.

1460 c. The applicant's experience and plan to generate non-
1461 gaming revenue from other amenities with the facility.

1462 d. The applicant's access to capital and financial ability



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1463 to construct the proposed project.

1464 e. The evaluation of subsection (1) (a) - (k) of this

1465 section.

1466 3. Generating out of state visitation: 30 percent. The

1467 criteria for evaluation shall be:

1468 a. The applicant's demonstrated history of generating

1469 tourism and visitation from out of state and international

1470 tourists.

1471 b. The applicant's history of driving visitation to other

1472 properties in an area.

1473 c. The applicant's plan for generating out of state and

1474 international tourism.

1475 d. The applicant's plan for maximizing visitation to a

1476 region that will also drive visitation to other properties in

1477 that region.

1478 4. Community Enhancement Plan: 10 percent. The criteria for

1479 evaluation shall be:

1480 a. The applicant's demonstrated history of community

1481 partnerships in local communities where they are located.

1482 b. The applicant's demonstrated plan to enhance the local

1483 community where the proposed resort will be located.

1484 c. The applicant's demonstrated plan for local hiring.

1485 d. The applicant's demonstrated history of working with

1486 community education facilities including local schools and

1487 colleges to train prospective job applicants for careers in the

1488 hospitality field.

1489 e. The applicant's demonstrated history in diversity in

1490 hiring and minority purchasing.

1491 f. The applicant's plan for diversity in hiring and



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1492 minority purchasing.

1493 (b) The commission shall give preference to those
1494 applicants that demonstrate that they meet the following
1495 criteria:

1496 1. The roads, water, sanitation, utilities, and related
1497 services to the proposed location of the destination resort are
1498 adequate and the proposed destination resort will not unduly
1499 impact public services, existing transportation infrastructure,
1500 consumption of natural resources, and the quality of life
1501 enjoyed by residents of the surrounding neighborhoods.

1502 2. The applicant will be able to commence construction as
1503 soon after awarding of the resort license as possible, but, in
1504 any event, no later than 12 months after the award of the resort
1505 license.

1506 3. The destination resort will include amenities and uses
1507 that will allow other state businesses to be included within the
1508 destination resort.

1509 4. The destination resort will promote local businesses in
1510 host and surrounding communities, including developing cross-
1511 marketing strategies with local restaurants, small businesses,
1512 hotels, retail outlets and impacted live entertainment venues.

1513 5. The destination resort will implement a workforce
1514 development plan that utilizes the existing labor force,
1515 including the estimated number of construction jobs the
1516 destination resort will generate, the development of workforce
1517 training programs that serve the unemployed and methods for
1518 accessing employment at the destination resort development.

1519 6. The destination resort will take additional measures to
1520 address problem gambling including, but not limited to, training



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1521 of gaming employees to identify patrons exhibiting problems with
1522 gambling and prevention programs targeted toward vulnerable
1523 populations.

1524 7. The destination resort will provide a market analysis
1525 detailing the benefits of the site location and the estimated
1526 recapture rate of gaming-related spending by residents traveling
1527 to out-of-state gaming establishments.

1528 8. The destination resort will utilize sustainable
1529 development principles.

1530 9. The destination resort will contract with local business
1531 owners for the provision of goods and services, including
1532 developing plans designed to assist businesses in the state in
1533 identifying the needs for goods and services to the
1534 establishment.

1535 10. The destination resort will mitigate potential impacts
1536 on host and surrounding communities which might result from the
1537 development or operation of the destination resort.

1538 11. The destination resort will purchase whenever possible,
1539 domestically manufactured equipment for installation in the
1540 resort.

1541 12. The destination resort will implement a marketing
1542 program that identifies specific goals, expressed as an overall
1543 program goal applicable to the total dollar amount of contracts,
1544 for the utilization of:(i) minority business enterprises, women
1545 business enterprises and veteran business enterprises to
1546 participate as contractors in the design of the development;
1547 (ii) minority business enterprises, women business enterprises
1548 and veteran business enterprises to participate as contractors
1549 in the construction of the development; and (iii) minority



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1550 business enterprises, women business enterprises and veteran
1551 business enterprises to participate as vendors in the provision
1552 of goods and services procured by the development and any
1553 businesses operated as part of the development.

1554 13. The destination resort will have public support in the
1555 host and surrounding communities which may be demonstrated
1556 through public comment received by the commission or gaming
1557 applicant.

1558 (3) A resort license may be issued only to persons of good
1559 moral character who are at least 21 years of age. A resort
1560 license may issued to a corporation only if its officers are of
1561 good moral character and at least 21 years of age.

1562 (4) A resort license may not be issued to an applicant if
1563 the applicant, qualifier, or institutional investor:

1564 (a) Has, within the last 5 years, been adjudicated by a
1565 court or tribunal for failure to pay income, sales, or gross
1566 receipts tax due and payable under any federal, state, or local
1567 law, after exhaustion of all appeals or administrative remedies.

1568 (b) Has been convicted of a felony under the laws of this
1569 state, any other state, or the United States.

1570 (c) Has been convicted of any violation under chapter 817
1571 or under a substantially similar law of another jurisdiction.

1572 (d) Knowingly submitted false information in the
1573 application for the license.

1574 (e) Is a member or employee of the commission.

1575 (f) Was licensed to own or operate gaming or pari-mutuel
1576 facilities in this state or another jurisdiction and that
1577 license was revoked.

1578 (g) Is an entity that has accepted any wager of money or



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1579 other consideration on any online gambling activity, including
1580 poker, from any state resident since October 13, 2006. However,
1581 this prohibition does not disqualify an applicant or
1582 subcontractor who accepts online pari-mutuel wagers from a state
1583 resident through a legal online pari-mutuel wagering entity
1584 authorized in another state.

1585 (h) Fails to meet any other criteria for licensure set
1586 forth in this part.

1587
1588 As used in this subsection, the term "conviction" includes
1589 an adjudication of guilt on a plea of guilty or nolo contendere
1590 or the forfeiture of a bond when charged with a crime.

1591 Section 23. Section 551.310, Florida Statutes, is created
1592 to read:

1593 551.310 Application for destination resort license.—

1594 (1) APPLICATION.—A reply submitted in response to an
1595 invitation to negotiate must include a sworn application in the
1596 format prescribed by the commission. The application must
1597 include the following information:

1598 (a)1. The name, business address, telephone number, social
1599 security number, and, where applicable, federal tax
1600 identification number of the applicant and each qualifier; and

1601 2. Information, documentation, and assurances concerning
1602 financial background and resources as may be required to
1603 establish the financial stability, integrity, and responsibility
1604 of the applicant. This includes business and personal income and
1605 disbursement schedules, tax returns and other reports filed with
1606 governmental agencies, and business and personal accounting and
1607 check records and ledgers. In addition, each applicant must



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1608 provide written authorization for the examination of all bank
1609 accounts and records as may be deemed necessary by the
1610 commission.

1611 (b) The identity and, if applicable, the state of
1612 incorporation or registration of any business in which the
1613 applicant or a qualifier has an equity interest of more than 5
1614 percent. If the applicant or qualifier is a corporation,
1615 partnership, or other business entity, the applicant or
1616 qualifier must identify any other corporation, partnership, or
1617 other business entity in which it has an equity interest of more
1618 than 5 percent, including, if applicable, the state of
1619 incorporation or registration.

1620 (c) Documentation, as required by the commission, that the
1621 applicant has received conceptual approval of the destination
1622 resort proposal from the municipality and county in which the
1623 resort will be located.

1624 (d) A statement as to whether the applicant or a qualifier
1625 has developed and operated a similar gaming facility within a
1626 highly regulated domestic jurisdiction that allows similar forms
1627 of development, including a description of the gaming facility,
1628 the gaming facility's gross revenue, and the amount of revenue
1629 the gaming facility has generated for state and local
1630 governments within that jurisdiction.

1631 (e) A statement as to whether the applicant or a qualifier
1632 has been indicted, convicted of, pled guilty or nolo contendere
1633 to, or forfeited bail for any felony or for a misdemeanor
1634 involving gambling, theft, or fraud. The statement must include
1635 the date, the name and location of the court, the arresting
1636 agency, the prosecuting agency, the case caption, the docket



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1637 number, the nature of the offense, the disposition of the case,
1638 and, if applicable, the location and length of incarceration.

1639 (f) A statement as to whether the applicant or a qualifier
1640 has ever been granted any license or certificate in any
1641 jurisdiction which has been restricted, suspended, revoked, not
1642 renewed, or otherwise subjected to discipline. The statement
1643 must describe the facts and circumstances concerning that
1644 restriction, suspension, revocation, nonrenewal, or discipline,
1645 including the licensing authority, the date each action was
1646 taken, and an explanation of the circumstances for each
1647 disciplinary action.

1648 (g) A statement as to whether the applicant or qualifier
1649 has, as a principal or a controlling shareholder, within the
1650 last 10 years, filed for protection under the Federal Bankruptcy
1651 Code or had an involuntary bankruptcy petition filed against it.

1652 (h) A statement as to whether the applicant or qualifier
1653 has, within the last 5 years, been adjudicated by a court or
1654 tribunal for failure to pay any income, sales, or gross receipts
1655 tax due and payable under federal, state, or local law, or under
1656 the laws of any applicable foreign jurisdiction, after
1657 exhaustion of all appeals or administrative remedies. This
1658 statement must identify the amount and type of the tax and the
1659 time periods involved and must describe the resolution of the
1660 nonpayment.

1661 (i) A list of the names and titles of any public officials
1662 or officers of any unit of state government or of the local
1663 government or governments in the county or municipality in which
1664 the proposed resort is to be located, and the spouses, parents,
1665 and children of those public officials or officers, who,



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1666 directly or indirectly, own any financial interest in, have any
1667 beneficial interest in, are the creditors of, hold any debt
1668 instrument issued by the applicant or a qualifier, or hold or
1669 have an interest in any contractual or service relationship with
1670 the applicant or qualifier. As used in this paragraph, the terms
1671 "public official" and "officer" do not include a person who
1672 would be listed solely because the person is a member of the
1673 Florida National Guard.

1674 (j) The name and business telephone number of, and a
1675 disclosure of fees paid to any attorney, lobbyist, employee,
1676 consultant, or other person who has represented the applicant's
1677 interests in the state for 3 years prior to the effective date
1678 of this section or who is representing an applicant before the
1679 commission during the application process.

1680 (k) A description of the applicant's history of and
1681 proposed plan for community involvement or investment in the
1682 community where the resort having a limited gaming facility
1683 would be located.

1684 (l) A description of the applicant's proposed resort,
1685 including a map documenting the location of the facility within
1686 the specific county or counties; a statement regarding the
1687 compliance of the applicant with state, regional, and local
1688 planning and zoning requirements; a description of the economic
1689 benefit to the community in which the facility would be located;
1690 the anticipated number of jobs generated by construction of the
1691 facility; the anticipated number of employees; a statement
1692 regarding how the applicant would comply with federal and state
1693 affirmative action guidelines; a projection of admissions or
1694 attendance at the limited gaming facility; a projection of gross



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1695 receipts; and scientific market research pertaining to the
1696 proposed facility, if any.

1697 (m) Proof of a countywide referendum has been approved
1698 prior to the application deadline by the electors of the county
1699 authorizing limited gaming as defined in this chapter in that
1700 county.

1701 (n) A schedule or timeframe for completing the resort.

1702 (o) A plan for training residents of this state for jobs at
1703 the resort. The job-training plan must provide training to
1704 enable low-income persons to qualify for jobs at the resort.

1705 (p) The identity of each person, association, trust, or
1706 corporation or partnership having a direct or indirect equity
1707 interest in the applicant of greater than 5 percent. If
1708 disclosure of a trust is required under this paragraph, the
1709 names and addresses of the beneficiaries of the trust must also
1710 be disclosed. If the identity of a corporation must be
1711 disclosed, the names and addresses of all stockholders and
1712 directors must also be disclosed. If the identity of a
1713 partnership must be disclosed, the names and addresses of all
1714 partners, both general and limited, must also be disclosed.

1715 (q) A destination resort and limited gaming facility
1716 development plan and projected investment of \$2 billion pursuant
1717 to s. 551.309 for a destination resort and a limited gaming
1718 facility development plan for a pari-mutuel facility.

1719 (r) The fingerprints of all officers or directors of the
1720 applicant and qualifiers, and any persons exercising operational
1721 or managerial control of the applicant, as determined by rule of
1722 the department, for a criminal history record check.

1723 (s) A statement outlining the organization's diversity



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1724 plan.

1725 (t) A listing of all gaming licenses and permits the
1726 applicant or qualifier currently possesses.

1727 (u) A listing of former or inactive officers, directors,
1728 partners, and trustees.

1729 (v) A listing of all affiliated business entities or
1730 holding companies, including nongaming interests.

1731 (w) Any other information the commission may deem
1732 appropriate or require during the application process as
1733 provided by rule.

1734 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
1735 other provision of law, the commission is the sole authority for
1736 determining the information or documentation that must be
1737 included in an application for a resort license or in an
1738 application to renew a resort license. Such documentation and
1739 information may relate to: demographics, education, work
1740 history, personal background, criminal history, finances,
1741 business information, complaints, inspections, investigations,
1742 discipline, bonding, photographs, performance periods,
1743 reciprocity, local government approvals, supporting
1744 documentation, periodic reporting requirements, and fingerprint
1745 requirements.

1746 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall
1747 be supplemented as needed to reflect any material change in any
1748 circumstance or condition stated in the application which takes
1749 place between the initial filing of the application and the
1750 final grant or denial of the license. Any submission required to
1751 be in writing may otherwise be required by the commission to be
1752 made by electronic means.



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1753 (4) APPLICATION FEES.-

1754 (a) The application for a resort license or limited gaming
1755 license must be submitted along with a nonrefundable application
1756 fee of \$1 million to be used by the commission to defray costs
1757 associated with the review and investigation of the application
1758 and to conduct a background investigation of the applicant and
1759 each qualifier. If the cost of the review and investigation
1760 exceeds \$1 million, the applicant must pay the additional amount
1761 to the commission within 30 days after the receipt of a request
1762 for an additional payment.

1763 (b) The application for a destination resort license or
1764 limited gaming license must be submitted with a one-time fee of
1765 \$125 million. If the commission denies the application, the
1766 commission must refund the fee within 30 days after the denial
1767 of the application. If the applicant withdraws the application
1768 after the application deadline established by the commission,
1769 the commission must refund 80 percent of the fee within 30 days
1770 after the application is withdrawn.

1771 (c) All fees collected under this subsection shall be
1772 deposited into the Destination Resort Trust Fund.

1773 Section 24. Section 551.311, Florida Statutes, is created
1774 to read:

1775 551.311 Incomplete applications.-

1776 (1) An incomplete application for a resort license may be
1777 grounds for the denial of the application.

1778 (2) (a) If the commission determines that an application for
1779 a resort license is incomplete, the executive director shall
1780 immediately provide written notice to the applicant of the
1781 incomplete items. The applicant may then request an informal



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1782 conference with the executive director or his or her designee to
1783 discuss the application.

1784 (b) The executive director may provide the applicant an
1785 extension of 30 days to complete the application following the
1786 date of the informal conference. If the executive director finds
1787 that the application has not been completed within the
1788 extension, the applicant may appeal the finding to the
1789 commission. During an extension or the pendency of an appeal to
1790 the commission, the award of resort licenses in the applicable
1791 county is stayed.

1792 Section 25. Section 551.312, Florida Statutes, is created
1793 to read:

1794 551.312 Institutional investors as qualifiers.-

1795 (1) (a) An application for a resort license that has an
1796 institutional investor as a qualifier need not contain
1797 information relating to the institutional investor, other than
1798 the identity of the investor, if the institutional investor
1799 holds less than 15 percent of the equity or debt securities and
1800 files a certified statement that the institutional investor does
1801 not intend to influence or affect the affairs of the applicant
1802 or an affiliate of the applicant and that its holdings of
1803 securities of the applicant or affiliate were purchased for
1804 investment purposes only.

1805 (b) The commission may limit the application requirements
1806 as provided in this subsection for an institutional investor
1807 that is a qualifier and that holds 5 percent or more of the
1808 equity or debt securities of an applicant or affiliate of the
1809 applicant upon a showing of good cause and if the conditions
1810 specified in paragraph (a) are satisfied.



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1811 (2) An institutional investor that is exempt from the full
1812 application requirements under this section and that
1813 subsequently intends to influence or affect the affairs of the
1814 issuer must first notify the commission of its intent and file
1815 an application containing all of the information that would have
1816 been required of the institutional investor in the application
1817 for a resort license. The commission may deny the application if
1818 it determines that granting the application will impair the
1819 financial stability of the licensee or impair the ability of the
1820 licensee to comply with its development plans or other plans
1821 submitted to the commission by the applicant or licensee.

1822 (3) An applicant for a license or a resort licensee or
1823 affiliate shall immediately notify the commission of any
1824 information concerning an institutional investor holding its
1825 equity or debt securities which may disqualify an institutional
1826 investor from having a direct or indirect interest in the
1827 applicant or licensee, and the commission may require the
1828 institutional investor to file all information that would have
1829 been required of the institutional investor in the application
1830 for a license.

1831 (4) If the commission finds that an institutional investor
1832 that is a qualifier fails to comply with the requirements of
1833 subsection (1) or, if at any time the commission finds that by
1834 reason of the extent or nature of its holdings an institutional
1835 investor is in a position to exercise a substantial impact upon
1836 the controlling interests of a licensee, the commission may
1837 require the institutional investor to file an application
1838 containing all of information that would have been required of
1839 the institutional investor in the application for a license.



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1840 (5) Notwithstanding paragraph (1)(b), an institutional
1841 investor may vote on all matters that are put to the vote of the
1842 outstanding security holders of the applicant or licensee.

1843 Section 26. Section 551.313, Florida Statutes, is created
1844 to read:

1845 551.313 Lenders and underwriters; exemption as qualifiers.-
1846 A bank, lending institution, or underwriter in connection with
1847 any bank or lending institution that, in the ordinary course of
1848 business, makes a loan to, or holds a security interest in, a
1849 licensee or applicant, a supplier licensee or applicant or its
1850 subsidiary, or direct or indirect parent company of any such
1851 bank, lending institution, or underwriter is not a qualifier and
1852 is not required to be licensed.

1853 Section 27. Section 551.3135, Florida Statutes, is created
1854 to read:

1855 551.3135 Authorization of limited gaming at licensed pari-
1856 mutuel facilities.-

1857 (1) Notwithstanding any other provision of law, the
1858 commission may award a limited gaming license authorizing
1859 limited gaming in a licensed pari-mutuel facility only if a
1860 majority of the electors voting in a countywide referendum have
1861 passed a referendum allowing for limited gaming before December
1862 31, 2014. If limited gaming is authorized through the award of a
1863 limited gaming license, the pari-mutuel facility may possess
1864 slot machines and other authorized gaming devices and conduct
1865 limited gaming at the licensed location. Notwithstanding any
1866 other provision of law, a person who is at least 21 years of age
1867 may lawfully participate in authorized games at a facility
1868 licensed to possess authorized limited gaming devices and



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1869 conduct limited gaming or to participate in limited gaming as
1870 described in this part.

1871 (2) A limited gaming license may be issued only to a
1872 licensed pari-mutuel permitholder, and limited gaming may be
1873 conducted only at the eligible facility at which the
1874 permitholder is authorized under its valid pari-mutuel wagering
1875 permit to conduct pari-mutuel wagering activities.

1876 (3) As a condition of licensure and to maintain continued
1877 authority for the conduct of limited gaming, the pari-mutuel
1878 permitholder shall:

1879 (a) Continue to be in compliance with this chapter, where
1880 applicable.

1881 (b) Continue to be in compliance with chapter 550, where
1882 applicable, and maintain the pari-mutuel permit and license in
1883 good standing pursuant to the provisions of chapter 550.

1884 (c) Conduct no fewer than a full schedule of live racing or
1885 games as defined in s. 550.002(11). A permitholder's
1886 responsibility to conduct such number of live races or games
1887 shall be reduced by the number of races or games that could not
1888 be conducted due to the direct result of fire, war, hurricane,
1889 or other disaster or event beyond the control of the
1890 permitholder.

1891 (4) An application for a limited gaming license shall be on
1892 the form required by the commission, accompanied by the
1893 application fee required for destination resort licensees under
1894 s. 551.310(4). Applicants must also submit fingerprints, as
1895 required by this part, for a criminal history record check.
1896 Initial and renewal applications for limited gaming licenses
1897 must contain all information that the department, by rule,



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1898 determines is required to ensure eligibility, including
1899 requirements under ss. 551.309(3) and (4).

1900 (5) If limited gaming is authorized at the pari-mutuel
1901 facility by referendum, the pari-mutuel may not offer limited
1902 gaming until authorized by the commission. The commission may
1903 not authorize any pari-mutuel facility to begin limited gaming
1904 until a destination resort has begun to offer the play of
1905 limited gaming to the public as authorized by the commission.
1906 For purposes of this section, "authorization" to begin limited
1907 gaming for a pari-mutuel resort should be the announced opening
1908 date of the destination resort, or the actual opening date,
1909 whichever shall occur first.

1910 (6) If limited gaming is authorized, the pari-mutuel
1911 facility must apply for a license under s. 551.310 and meet the
1912 requirements of that section. Licensed pari-mutuel facilities
1913 that are authorized to conduct limited gaming shall be subject
1914 to the jurisdiction of the department and part III of chapter
1915 551, except that sections 551.307, 551.308, 551.309, 551.311,
1916 551.312, and 551.313 shall not apply to the extent that these
1917 sections relate to the awarding of destination resort licenses.

1918 (7) (a) All limited gaming shall be conducted in a limited
1919 gaming floor that is segregated from the rest of the pari-mutuel
1920 facility so that patrons may have ingress and egress to the
1921 pari-mutuel facility without entering the designated limited
1922 gaming floor.

1923 (b) The licensee shall display pari-mutuel races or games
1924 within the designated limited gaming floor and offer patrons
1925 within the designated limited gaming floor the ability to engage
1926 in pari-mutuel wagering on live, intertrack, and simulcast races



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1927 conducted or offered to patrons of the licensed facility.

1928 (c) The designated limited gaming floor may be located
1929 within the current pari-mutuel facility or in an existing
1930 building that must be contiguous and connected to the pari-
1931 mutuel facility. If a designated limited gaming floor is to be
1932 located in a building that is to be constructed, that new
1933 building must be contiguous and connected to the pari-mutuel
1934 facility. The limited gaming floor may not exceed 10 percent of
1935 the total property of the pari-mutuel facility.

1936 (8) If a slot machine licensee as defined in s. 551.102(10)
1937 is issued a limited gaming license, then any slot machine
1938 license issued pursuant to s. 551.104 shall be void.

1939 Section 28. Section 551.314, Florida Statutes, is created
1940 to read:

1941 551.314 Conditions for a resort and limited gaming
1942 license.—As a condition to licensure and to maintain continuing
1943 authority, a licensee must:

1944 (1) Comply with this part and the rules of the department.

1945 (2) Allow the department and the Department of Law
1946 Enforcement unrestricted access to and right of inspection of
1947 facilities of the licensee in which any activity relative to the
1948 conduct of gaming is conducted.

1949 (3) Complete the resort in accordance with the plans and
1950 timeframe proposed to the commission in its application, unless
1951 an extension is granted by the commission. The commission may
1952 grant such an extension, not to exceed 1 year after the original
1953 planned completion date, upon good cause shown by the licensee.

1954 (4) Ensure that the facilities-based computer system that
1955 the licensee will use for operational and accounting functions



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1956 of the facility is specifically structured to facilitate
1957 regulatory oversight. The facilities-based computer system shall
1958 be designed to provide the department and the Department of Law
1959 Enforcement with the ability to monitor, at any time on a real-
1960 time basis, the wagering patterns, payouts, tax collection, and
1961 such other operations as necessary to determine whether the
1962 facility is in compliance with statutory provisions and rules
1963 adopted by the department for the regulation and control of
1964 gaming. The department and the Department of Law Enforcement
1965 shall have complete and continuous access to this system. Such
1966 access shall include the ability of either the department or the
1967 Department of Law Enforcement to suspend play immediately on
1968 particular slot machines or gaming devices if monitoring of the
1969 system indicates possible tampering or manipulation of those
1970 slot machines or gaming devices or the ability to suspend play
1971 immediately of the entire operation if the tampering or
1972 manipulation is of the computer system itself. The computer
1973 system shall be reviewed and approved by the department to
1974 ensure necessary access, security, and functionality. However,
1975 neither the commission nor the Department of Law Enforcement
1976 shall have the ability to alter any data. The department may
1977 adopt rules to provide for the approval process.

1978 (5) Ensure that each table game, slot machine, or other
1979 gaming device is protected from manipulation or tampering that
1980 may affect the random probabilities of winning plays. The
1981 department or the Department of Law Enforcement may suspend play
1982 upon reasonable suspicion of any manipulation or tampering. If
1983 play has been suspended on any table game, slot machine, or
1984 other gaming device, the department or the Department of Law



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1985 Enforcement may conduct an examination to determine whether the
1986 table game, machine, or other gaming device has been tampered
1987 with or manipulated and whether the table game, machine, or
1988 other gaming device should be returned to operation.

1989 (6) Submit a security plan, including the facilities' floor
1990 plans, the locations of security cameras, and a listing of all
1991 security equipment that is capable of observing and
1992 electronically recording activities being conducted in the
1993 facilities of the licensee. The security plan must meet the
1994 minimum security requirements as determined by the department
1995 and be implemented before the operation of gaming. The
1996 licensee's facilities must adhere to the security plan at all
1997 times. Any changes to the security plan must be submitted by the
1998 licensee to the department prior to implementation. The
1999 department shall furnish copies of the security plan and changes
2000 in the plan to the Department of Law Enforcement.

2001 (7) Create and file with the commission a written policy
2002 for:

2003 (a) Creating opportunities to purchase from vendors in this
2004 state.

2005 (b) Creating opportunities for the employment of residents
2006 of this state.

2007 (c) Ensuring opportunities for obtaining construction
2008 services from residents and vendors in this state.

2009 (d) Ensuring that opportunities for employment are offered
2010 on an equal, nondiscriminatory basis.

2011 (e) Training employees on responsible gaming and working
2012 with a compulsive or addictive gambling prevention program.

2013 (f) Implementing a drug-testing program for each



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2014 occupational licensee that includes, but is not limited to,
2015 requiring such person to sign an agreement that he or she
2016 understands that the limited gaming facility is a drug-free
2017 workplace.

2018 (g) Using the Internet-based job-listing system of the
2019 Department of Economic Opportunity in advertising employment
2020 opportunities.

2021 (h) Ensuring that the payout percentage of each slot
2022 machine is at least 85 percent.

2023 (8) File with the department detailed documentation of the
2024 applicant's, its affiliates', or any holding company's history
2025 of using labor in any jurisdiction that would fall outside of
2026 ages defined in chapter 450.

2027 (9) Keep and maintain permanent daily records of its
2028 limited gaming operations and maintain such records for a period
2029 of not less than 5 years. These records must include all
2030 financial transactions and contain sufficient detail to
2031 determine compliance with the requirements of this part. All
2032 records shall be available for audit and inspection by the
2033 department, the Department of Law Enforcement, or other law
2034 enforcement agencies during the licensee's regular business
2035 hours.

2036 (10) Maintain a designated limited gaming floor that is
2037 segregated from the rest of the resort facility so that patrons
2038 may have ingress and egress to the resort facility without
2039 entering the designated limited gaming floor.

2040 Section 29. Section 551.315, Florida Statutes, is created
2041 to read:

2042 551.315 Surety bond.—A destination resort licensee and a



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2043 limited gaming licensee must, at its own cost and expense,
2044 before the license is delivered, give a bond in the penal sum to
2045 be determined by the department payable to the Governor of the
2046 state and his or her successors in office. The bond must be
2047 issued by a surety or sureties approved by the department and
2048 the Chief Financial Officer and the bond must be conditioned on
2049 the licensee faithfully making the required payments to the
2050 Chief Financial Officer in his or her capacity as treasurer of
2051 the commission, keeping the licensee's books and records and
2052 make reports as provided, and conducting its limited gaming
2053 activities in conformity with this part. The department shall
2054 fix the amount of the bond at the total amount of annual license
2055 fees and the taxes estimated to become due as determined by the
2056 department. In lieu of a bond, an applicant or licensee may
2057 deposit with the department a like amount of funds, a savings
2058 certificate, a certificate of deposit, an investment
2059 certificate, or a letter of credit from a bank, savings bank,
2060 credit union, or savings and loan association situated in this
2061 state which meets the requirements set for that purpose by the
2062 Chief Financial Officer. If security is provided in the form of
2063 a savings certificate, a certificate of deposit, or an
2064 investment certificate, the certificate must state that the
2065 amount is unavailable for withdrawal except upon order of the
2066 department. The department may review the bond or other security
2067 for adequacy and require adjustments, including increasing the
2068 amount of the bond and other security. The department may adopt
2069 rules to administer this section and establish guidelines for
2070 such bonds or other securities.

2071 Section 30. Section 551.316, Florida Statutes, is created



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2072 to read:

2073 551.316 Conduct of limited gaming.—

2074 (1) Limited gaming may be conducted by a licensee, subject
2075 to the following:

2076 (a) The site of the limited gaming facility is limited to
2077 the licensee's site location as approved by the commission.

2078 (b) The department's agents and employees may enter and
2079 inspect a limited gaming facility or other facilities relating
2080 to a licensee's gaming operations at any time for the purpose of
2081 determining whether the licensee is in compliance with this
2082 part.

2083 (c) A licensee may lease or purchase gaming devices,
2084 equipment, or supplies customarily used in conducting gaming
2085 only from a licensed supplier.

2086 (d) A licensee may not permit any form of wagering on games
2087 except as permitted by this part.

2088 (e) A licensee may receive wagers only from a person
2089 present in the limited gaming facility.

2090 (f) A licensee may not permit wagering using money or other
2091 negotiable currency except for wagering on slot machines.

2092 (g) A licensee may not permit a person who has not attained
2093 21 years of age to engage in gaming activity or remain in an
2094 area of a limited gaming facility where gaming is being
2095 conducted, except for a limited gaming employee of the resort
2096 licensee who is at least 18 years of age.

2097 (h) A licensee may not sell or distribute tokens, chips, or
2098 electronic cards used to make wagers outside the limited gaming
2099 facility. The tokens, chips, or electronic cards may be
2100 purchased by means of an agreement under which the licensee



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2101 extends credit to a wagerer. The tokens, chips, or electronic
2102 cards may be used only for the purpose of making wagers on games
2103 within a limited gaming facility.

2104 (i) A licensee may not conduct business with a junket
2105 enterprise, except for a junket operator employed full time by
2106 that licensee.

2107 (j) All gaming activities must be conducted in accordance
2108 with department rules.

2109 (k) Limited gaming may not be conducted by a destination
2110 resort licensee until the destination resort is completed
2111 according to the proposal approved by the commission.

2112 (2) A limited gaming facility may operate 24 hours per day,
2113 every day of the year.

2114 (3) A licensee may set the minimum and maximum wagers on
2115 all games.

2116 (4) A licensee shall give preference in employment,
2117 reemployment, promotion, and retention to veterans and to the
2118 persons included under s. 295.07(1) who possess the minimum
2119 qualifications necessary to perform the duties of the positions
2120 involved.

2121 (5) A licensee, its affiliates, directors, and employees
2122 shall be subject to all applicable federal, state, and local
2123 laws. Such licensees, affiliates, directors, and employees shall
2124 subject themselves to jurisdiction of the Federal Government and
2125 the government of this state and acceptance of a license shall
2126 be considered an affirmative waiver of extradition to the United
2127 States from a foreign country.

2128 (6) The licensee shall report any suspicious transaction or
2129 activity with the department and other law enforcement agency,



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2130 as appropriate.

2131 (7) A licensee may not install, own or operate, or allow
2132 another person to install, own or operate on the premises of the
2133 licensed facility a slot machine or table game that is played
2134 with a device that allows a player to operate the slot machine
2135 or table game by transferring funds electronically from a debit
2136 card, credit card or by means of an electronic funds transfer
2137 terminal. As used in this subsection, "electronic funds transfer
2138 terminal" means an information-processing device or an automatic
2139 teller machine used for executing deposit account transactions
2140 between financial institutions and their account holders by
2141 either the direct transmission of electronic impulses or the
2142 recording of electronic impulses for delayed processing. The
2143 fact that a device is used for other purposes shall not prevent
2144 it from being considered an electronic funds transfer terminal
2145 under this definition.

2146 (8) The department may renew a destination resort if the
2147 destination resort licensee has demonstrated an effort to
2148 increase tourism, generate jobs, provide revenue to the local
2149 economy, and provide revenue to the state General Revenue Fund.

2150 (9) The department shall renew a destination resort and
2151 limited gaming license if:

2152 (a) The department has not suspended or revoked the license
2153 of the licensee.

2154 (b) The licensee continues to satisfy all the requirements
2155 for licensure.

2156 Section 31. Section 551.317, Florida Statutes, is created
2157 to read:

2158 551.317 Prohibited acts; penalties.-



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2159 (1) It is unlawful for a person to willfully:
2160 (a) Fail to report, pay or truthfully account for and remit
2161 any license fee, authorization fee, tax or assessment imposed
2162 under this part; or
2163 (b) Attempt in any manner to evade any license fee,
2164 authorization fee, tax or assessment imposed under this part.
2165 (2) It is unlawful for any licensed entity, gaming
2166 employee, key employee or any other person to permit a slot
2167 machine, table game, or table game device to be operated,
2168 transported, repaired or opened on the premises of a licensed
2169 facility by a person other than a person licensed or permitted
2170 by the commission under to this part.
2171 (3) It is unlawful for any licensed entity or other person
2172 to manufacture, supply or place slot machines, table games,
2173 table game devices, or associated equipment into play or display
2174 slot machines, table games, table game devices, or associated
2175 equipment on the premises of a licensed facility without the
2176 authority of the commission.
2177 (4) It is unlawful for a licensed entity or other person to
2178 manufacture, supply, operate, carry on or expose for play any
2179 slot machine, table game, table game device, or associated
2180 equipment after the person's license has expired and prior to
2181 the actual renewal of the license.
2182 (5) Except as set forth in this subsection, it is unlawful
2183 for an individual while on the premises of a licensed facility
2184 to knowingly use currency other than lawful coin or legal tender
2185 of the United States or a coin not of the same denomination as
2186 the coin intended to be used in the slot machine with the intent
2187 to cheat or defraud a licensed gaming entity or the commission



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2188 or damage the slot machine. In the playing of a slot machine, it
2189 is lawful for an individual to use gaming billets, tokens or
2190 similar objects issued by the licensed gaming entity which are
2191 approved by the commission.

2192 (6) Except as set forth in this subsection, it is unlawful
2193 for an individual to use or possess a cheating or thieving
2194 device, counterfeit or altered billet, ticket, token, or similar
2195 objects accepted by a slot machine or counterfeit or altered
2196 slot machine-issued tickets or vouchers at a licensed facility.
2197 An authorized employee of a licensee or an employee of the
2198 department may possess and use a cheating or thieving device,
2199 counterfeit or altered billet, ticket, token, or similar objects
2200 accepted by a slot machine or counterfeit or altered slot
2201 machine-issued tickets or vouchers in performance of the duties
2202 of employment.

2203 (7) It is unlawful for an individual to use or possess
2204 counterfeit, marked, loaded or tampered with table game devices
2205 or associated equipment, chips or other cheating devices in the
2206 conduct of gaming under this part, except that an authorized
2207 employee of a licensee or an authorized employee of the
2208 commission or department may possess and use counterfeit chips
2209 or table game devices or associated equipment that have been
2210 marked, loaded or tampered with, or other cheating devices in
2211 performance of the duties of employment for training,
2212 investigative or testing purposes only.

2213 (8) It is unlawful for an individual to knowingly, by a
2214 trick or sleight of hand performance or by fraud or fraudulent
2215 scheme, table game device or other device, for himself or for
2216 another, win or attempt to win any cash, property, or prize at a



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2217 licensed facility or to reduce or attempt to reduce a losing
2218 wager.

2219 (9) Except as set forth in this subsection, it is unlawful
2220 for an individual to knowingly possess or use while on the
2221 premises of a licensed facility a key or device designed for the
2222 purpose of and suitable for opening or entering any slot
2223 machine, drop box or coin box which is located on the premises
2224 of the licensed facility. An authorized employee of a licensee,
2225 commission, or department may possess and use a device referred
2226 to in this subsection in the performance of the duties of
2227 employment.

2228 (10) It is unlawful for a person or licensed entity to
2229 possess any device, equipment or material which the person or
2230 licensed entity knows has been manufactured, distributed, sold,
2231 tampered with or serviced in violation of the provisions of this
2232 part with the intent to use the device, equipment or material as
2233 though it had been manufactured, distributed, sold, tampered
2234 with or serviced pursuant to this part.

2235 (11) It is unlawful for a person to sell, offer for sale,
2236 represent or pass off as lawful any device, equipment or
2237 material which the person or licensed entity knows has been
2238 manufactured, distributed, sold, tampered with or serviced in
2239 violation of this part.

2240 (12) It is unlawful for an individual to work or be
2241 employed in a position the duties of which would require
2242 licensing or permitting under the provisions of this part
2243 without first obtaining the requisite license or permit issued
2244 under the provisions of this part.

2245 (13) It shall be unlawful for a licensed entity to employ



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2246 or continue to employ an individual in a position the duties of
2247 which require a license or permit under the provisions of this
2248 part if the individual:

2249 (a) Is not licensed or permitted under the provisions of
2250 this part, or

2251 (b) Is prohibited from accepting employment from a
2252 licensee.

2253 (14) It shall be unlawful for an individual to claim,
2254 collect or take, or attempt to claim, collect or take, money or
2255 anything of value in or from a slot machine, gaming table or
2256 other table game device, with the intent to defraud, or to
2257 claim, collect or take an amount greater than the amount won, or
2258 to manipulate with the intent to cheat, any component of any
2259 slot machine, table game or table game device in a manner
2260 contrary to the designed and normal operational purpose.

2261 (15) A person that violates this section commits a
2262 misdemeanor of the first degree, punishable as provided in s.
2263 775.082 or s. 775.083. A person that is convicted of a second or
2264 subsequent violation of this section commits a felony of the
2265 third degree, punishable as provided in s. 775.082, s. 775.083,
2266 or s. 775.084.

2267 Section 32. Section 551.318, Florida Statutes, is created
2268 to read:

2269 551.318 License fee; tax rate; disposition.—

2270 (1) LICENSE FEE.—On the anniversary date of the issuance of
2271 the initial license and annually thereafter, the licensee must
2272 pay to the department a nonrefundable annual license fee of \$5
2273 million. The license shall be renewed annually, unless the
2274 department has revoked the license for a violation of this part



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2275 or rule of the department. The license fee shall be deposited
2276 into the Destination Resort Trust Fund to be used by the
2277 department and the Department of Law Enforcement for
2278 investigations, regulation of limited gaming, and enforcement of
2279 this part.

2280 (2) GROSS RECEIPTS TAX.—

2281 (a) Each licensee shall pay a gross receipts tax on its
2282 gross receipts to the state. Upon completion of the destination
2283 resort and before limited gaming may be conducted, the
2284 destination resort licensee must submit proof, as required by
2285 the commission, of the total investment made in the construction
2286 of the resort. The gross receipts tax rate shall be 10 percent
2287 of the gross receipts. Payment for the gross receipts tax
2288 imposed by this section shall be paid to the department.

2289 (b) The gross receipts tax shall be distributed as follows:

2290 1. Ninety-seven and 1/2 percent shall be deposited into the
2291 General Revenue Fund.

2292 2. Two percent of the gross receipts tax collected shall be
2293 paid to the Florida Thoroughbred Breeders and Owners
2294 Association, Inc., for the payment of breeders, stallion, and
2295 special racing awards, including the administrative fee
2296 authorized in s. 550.2625(3), Florida Statutes, on live
2297 thoroughbred races conducted at licensed thoroughbred pari-
2298 mutuel facilities. These funds, to be governed by the board of
2299 directors of the Florida Thoroughbred Breeders and Owners
2300 Association, Inc., may provide for, but not be limited to, use
2301 for capital expenditures that will drive economic growth and
2302 continue to provide jobs for the Ocala/Marion County area and
2303 for Florida's thoroughbred industry, including the



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2304 rehabilitation or retirement of thoroughbred racehorses, equine
2305 research, education, and civic and industry-related service
2306 organizations and charities, while continuing the preservation
2307 of over 100,000 acres in production for thoroughbred breeding,
2308 training, and other equine activities. The amounts provided
2309 shall be remitted monthly.

2310 3. One-half percent of the gross receipts tax collected
2311 shall be deposited to the credit of the Grants and Donations
2312 Trust Fund in the Department of Veterans Affairs for use by the
2313 Department of Veterans Affairs in accordance with s. 292.05.

2314 (c) The licensee shall remit to the department payment for
2315 the gross receipts tax by 3 p.m. on the 5th day of each calendar
2316 month. If the 5th day of the calendar month falls on a weekend,
2317 payments shall be remitted by 3 p.m. the first Monday following
2318 the weekend. The licensee shall file a report under oath by the
2319 5th day of each calendar month for all taxes remitted during the
2320 preceding calendar month. Such report shall be made under oath
2321 showing all gaming activities for the preceding calendar month
2322 and such other information as may be prescribed by the
2323 department.

2324 (d) The department may require licensees to remit taxes,
2325 fees, fines, and assessments by electronic funds transfer.

2326 (e) The gross receipts tax is in lieu of any other state
2327 taxes on gross or adjusted gross receipts of a licensee.

2328 Section 33. Section 551.3185, Florida Statutes, is created
2329 to read:

2330 551.3185 Disposition of Trust Fund Moneys.— On June 30, any
2331 unappropriated funds in excess of \$10 million in the Destination
2332 Resort Trust Fund collected pursuant to this part, shall be



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2333 deposited with the Chief Financial Officer to the credit of the
2334 General Revenue Fund.

2335 Section 34. Section 551.319, Florida Statutes, is created
2336 to read:

2337 551.319 Fingerprint requirements.—Any fingerprints required
2338 to be taken under this part must be taken in a manner approved
2339 by, and shall be submitted electronically by the department to,
2340 the Department of Law Enforcement. The Department of Law
2341 Enforcement shall submit the results of the state and national
2342 records check to the department. The department shall consider
2343 the results of the state and national records check in
2344 evaluating an application for any license.

2345 (1) The cost of processing fingerprints and conducting a
2346 criminal history record check shall be borne by the applicant.
2347 The Department of Law Enforcement may submit a monthly invoice
2348 to the department for the cost of processing the fingerprints
2349 submitted.

2350 (2) All fingerprints submitted to the Department of Law
2351 Enforcement pursuant to this part shall be retained by the
2352 Department of Law Enforcement and entered into the statewide
2353 automated fingerprint identification system as authorized by s.
2354 943.05(2)(b) and shall be available for all purposes and uses
2355 authorized for arrest fingerprint cards entered into the
2356 statewide automated fingerprint identification system pursuant
2357 to s. 943.051.

2358 (3) The Department of Law Enforcement shall search all
2359 arrest fingerprints received pursuant to s. 943.051, against the
2360 fingerprints retained in the statewide automated fingerprint
2361 identification system. Any arrest record that is identified with



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2362 the retained fingerprints of a person subject to the criminal
2363 history screening under this part shall be reported to the
2364 department. Each licensee shall pay a fee to the department for
2365 the cost of retention of the fingerprints and the ongoing
2366 searches under this subsection. The department shall forward the
2367 payment to the Department of Law Enforcement. The amount of the
2368 fee to be imposed for performing these searches and the
2369 procedures for the retention of licensee fingerprints shall be
2370 as established by rule of the Department of Law Enforcement. The
2371 department shall inform the Department of Law Enforcement of any
2372 change in the license status of licensees whose fingerprints are
2373 retained under subsection (2).

2374 (4) The department shall request the Department of Law
2375 Enforcement to forward the fingerprints to the Federal Bureau of
2376 Investigation for a national criminal history records check
2377 every 3 years following issuance of a license. If the
2378 fingerprints of a person who is licensed have not been retained
2379 by the Department of Law Enforcement, the person must file
2380 another set of fingerprints. The department shall collect the
2381 fees for the cost of the national criminal history record check
2382 under this subsection and shall forward the payment to the
2383 Department of Law Enforcement. The cost of processing
2384 fingerprints and conducting a criminal history record check
2385 under this subsection shall be borne by the licensee or
2386 applicant. The Department of Law Enforcement may submit an
2387 invoice to the department for the fingerprints submitted each
2388 month. Under penalty of perjury, each person who is licensed or
2389 who is fingerprinted as required by this section must agree to
2390 inform the department within 48 hours if he or she is convicted



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2391 of or has entered a plea of guilty or nolo contendere to any
2392 disqualifying offense, regardless of adjudication.

2393 Section 35. Section 551.321, Florida Statutes, is created
2394 to read:

2395 551.321 Supplier licenses.-

2396 (1) A person must have a supplier license in order to
2397 furnish on a regular or continuing basis to a limited gaming
2398 facility or an applicant for a resort or limited gaming license
2399 gaming equipment, devices, or supplies or other goods or
2400 services regarding the operation of limited gaming at the
2401 facility.

2402 (2) An applicant for a supplier license must apply to the
2403 department on forms adopted by the department by rule. The
2404 licensing fee for the initial and annual renewal of the license
2405 shall be a scale of fees determined by rule of the department
2406 based on the type of service provided by the supplier but may
2407 not exceed \$25,000.

2408 (3) An applicant for a supplier license must include in the
2409 application the fingerprints of the persons identified by
2410 department rule for the processing of state and national
2411 criminal history record checks.

2412 (4) (a) An applicant for a supplier license is not eligible
2413 for licensure if:

2414 1. A person for whom fingerprinting is required under
2415 subsection (3) has been convicted of a felony under the laws of
2416 this state, any other state, or the United States;

2417 2. The applicant knowingly submitted false information in
2418 the application for a supplier license;

2419 3. The applicant is a member of the commission or an



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2420 employee of the department;

2421 4. The applicant is not a natural person and an officer,
2422 director, or managerial employee of that person is a person
2423 described in subparagraphs 1.-3.;

2424 5. The applicant is not a natural person and an employee of
2425 the applicant participates in the management or operation of
2426 limited gaming authorized under this part; or

2427 6. The applicant has had a license to own or operate a
2428 resort facility or pari-mutuel facility in this state, or a
2429 similar license in any other jurisdiction, revoked.

2430 (b) The department may revoke a supplier license at any
2431 time it determines that the licensee no longer satisfies the
2432 eligibility requirements in this subsection.

2433 (5) The department may deny an application for a supplier
2434 license for any person who:

2435 (a) Is not qualified to perform the duties required of a
2436 licensee;

2437 (b) Fails to disclose information or knowingly submits
2438 false information in the application;

2439 (c) Has violated this part or rules of the department; or

2440 (d) Has had a gaming-related license or application
2441 suspended, restricted, revoked, or denied for misconduct in any
2442 other jurisdiction.

2443 (6) A supplier licensee shall:

2444 (a) Furnish to the department a list of all gaming
2445 equipment, devices, and supplies it offers for sale or lease in
2446 connection with limited gaming authorized in this part;

2447 (b) Keep books and records documenting the furnishing of
2448 gaming equipment, devices, and supplies to resort licensees



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2449 separate and distinct from any other business that the supplier
2450 operates;

2451 (c) File quarterly returns with the department listing all
2452 sales or leases of gaming equipment, devices, or supplies to
2453 resort licensees;

2454 (d) Permanently affix its name to all gaming equipment,
2455 devices, or supplies sold or leased to licensees; and

2456 (e) File an annual report listing its inventories of gaming
2457 equipment, devices, and supplies, including the locations of
2458 such equipment.

2459 (7) All gaming devices, equipment, or supplies furnished by
2460 a licensed supplier must conform to standards adopted by
2461 department rule.

2462 (8) (a) The department may suspend, revoke, or restrict the
2463 supplier license of a licensee who:

- 2464 1. Violates this part or the rules of the department; or
2465 2. Defaults on the payment of any obligation or debt due to
2466 this state or a county.

2467 (b) The department must revoke the supplier license of a
2468 licensee for any cause that, if known to the department, would
2469 have disqualified the applicant from receiving a license.

2470 (9) A supplier licensee may repair gaming equipment,
2471 devices, or supplies in a facility owned or leased by the
2472 licensee.

2473 (10) Gaming devices, equipment, or supplies owned by a
2474 supplier licensee which are used in an unauthorized gaming
2475 operation shall be forfeited to the county where the equipment
2476 is found.

2477 (11) The department may revoke the license or deny the



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2478 application for a supplier license of a person who fails to
2479 comply with this section.

2480 (12) A person who knowingly makes a false statement on an
2481 application for a supplier license commits a misdemeanor of the
2482 first degree, punishable as provided in s. 775.082 or s.
2483 775.083.

2484 Section 36. Section 551.3215, Florida Statutes, is created
2485 to read:

2486 551.3215 Manufacturer licenses.—

2487 (1) A person seeking to manufacture slot machines, table
2488 game devices and associated equipment for use in this state
2489 shall apply to the commission for a manufacturer license.

2490 (2) The licensing fee for the initial and annual renewal of
2491 the license shall not exceed \$25,000.

2492 (3) An application for a manufacturer license shall be on
2493 the form required by the commission, accompanied by the
2494 application fee, and shall include all of the following:

2495 (a) The name and business address of the applicant and the
2496 applicant's affiliates, intermediaries, subsidiaries and holding
2497 companies; the principals and key employees of each business;
2498 and a list of employees and their positions within each
2499 business; as well as any financial information required by the
2500 commission.

2501 (b) A statement that the applicant and each affiliate,
2502 intermediary, subsidiary or holding company of the applicant are
2503 not slot machine or resort licensees.

2504 (c) The consent to a background investigation of the
2505 applicant, its principals and key employees or other persons
2506 required by the commission and a release to obtain any and all



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2507 information necessary for the completion of the background
2508 investigation.

2509 (d) The details of any equivalent license granted or denied
2510 by other jurisdictions where gaming activities as authorized by
2511 this part are permitted and consent for the commission to
2512 acquire copies of applications submitted or licenses issued in
2513 connection therewith.

2514 (e) The type of slot machines, table game devices or
2515 associated equipment to be manufactured or repaired.

2516 (f) Any other information determined by the commission to
2517 be appropriate.

2518 (4) Upon being satisfied that the requirements of
2519 subsection (3) have been met, the commission may approve the
2520 application and grant the applicant a manufacturer license
2521 consistent with all of the following:

2522 (a) The initial license shall be for a period of one year,
2523 and, if renewed under subsection (6), the license shall be for a
2524 period of one years. Nothing in this paragraph shall relieve the
2525 licensee of the affirmative duty to notify the board of any
2526 changes relating to the status of its license or to any other
2527 information contained in application materials on file with the
2528 commission.

2529 (b) The license shall be nontransferable.

2530 (c) Any other condition established by the commission.

2531 (5) In the event an applicant for a manufacturer license to
2532 manufacture table game devices or associated equipment used in
2533 connection with table games is licensed by the commission under
2534 this section to manufacture slot machines or associated
2535 equipment used in connection with slot machines, the commission



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2536 may determine to use an abbreviated process requiring only that
2537 information determined by the commission to be necessary to
2538 consider the issuance of a license to manufacture table game
2539 devices or associated equipment used in connection with table
2540 games, including financial viability of the applicant. Nothing
2541 in this section shall be construed to waive any fees associated
2542 with obtaining a license through the normal application process.
2543 The commission may only use the abbreviated process if all of
2544 the following apply:

2545 (a) The manufacturer license was issued by the commission
2546 within a 24-month period immediately preceding the date the
2547 manufacturer licensee files an application to manufacture table
2548 game devices or associated equipment.

2549 (b) The person to whom the manufacturer license was issued
2550 affirms there has been no material change in circumstances
2551 relating to the license.

2552 (c) The commission determines, in its sole discretion,
2553 that there has been no material change in circumstances relating
2554 to the licensee that necessitates that the abbreviated process
2555 not be used.

2556 (6) Two months prior to expiration of a manufacturer
2557 license, the manufacturer licensee seeking renewal of its
2558 license shall submit a renewal application accompanied by the
2559 renewal fee to the commission. If the renewal application
2560 satisfies the requirements of this section and rules of the
2561 commission, the commission may renew the licensee's manufacturer
2562 license. If the commission receives a complete renewal
2563 application but fails to act upon the renewal application prior
2564 to the expiration of the manufacturer license, the manufacturer



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2565 license shall continue in effect for an additional six-month
2566 period or until acted upon by the commission, whichever occurs
2567 first.

2568 (7) The following shall apply to a licensed manufacturer:

2569 (a) A manufacturer or its designee, as licensed by the
2570 commission, may supply or repair any slot machine, table game
2571 device or associated equipment manufactured by the manufacturer,
2572 provided the manufacturer holds the appropriate manufacturer
2573 license.

2574 (b) A manufacturer of slot machines may contract with a
2575 supplier to provide slot machines or associated equipment to a
2576 slot machine licensee within this state, provided the supplier
2577 is licensed to supply slot machines or associated equipment used
2578 in connection with slot machines.

2579 (c) A manufacturer may contract with a supplier to provide
2580 table game devices or associated equipment to a certificate
2581 holder, provided the supplier is licensed to supply table game
2582 devices or associated equipment used in connection with table
2583 games.

2584 (8) No person may manufacture slot machines, table game
2585 devices or associated equipment for use within this state by a
2586 licensee unless the person has been issued the appropriate
2587 manufacturer license under this section. Except as permitted by
2588 the commission is relation to training equipment, no licensee
2589 may use slot machines, table game devices or associated
2590 equipment unless the slot machines, table game devices or
2591 associated equipment were manufactured by a person that has been
2592 issued the appropriate manufacturer license under this section.

2593 (9) The department may revoke the license or deny the



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2594 application for a manufacturer license of a person who fails to
2595 comply with this section.

2596 (10) A person who knowingly makes a false statement on an
2597 application for a manufacturer license commits a misdemeanor of
2598 the first degree, punishable as provided in s. 775.082 or s.
2599 775.083.

2600 Section 37. Section 551.322, Florida Statutes, is created
2601 to read:

2602 551.322 Occupational licenses.—

2603 (1) The Legislature finds that, due to the nature of their
2604 employment, some gaming employees require heightened state
2605 scrutiny, including licensing and criminal history record
2606 checks.

2607 (2) Any person who desires to be a gaming employee and has
2608 a bona fide offer of employment from a licensed gaming entity
2609 shall apply to the department for an occupational license. A
2610 person may not be employed as a gaming employee unless that
2611 person holds an appropriate occupational license issued under
2612 this section. The department may adopt rules to reclassify a
2613 category of nongaming employees or gaming employees upon a
2614 finding that the reclassification is in the public interest and
2615 consistent with the objectives of this part.

2616 (3) An applicant for an occupational license must apply to
2617 the department on forms adopted by the department by rule. An
2618 occupational license is valid for 4 years following issuance.
2619 The application must be accompanied by the licensing fee set by
2620 the department. The licensing fee may not exceed \$250 for an
2621 employee of a resort licensee.

2622 (a) The applicant shall set forth in the application



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2623 whether the applicant:

2624 1. Has been issued a gaming-related license in any
2625 jurisdiction.

2626 2. Has been issued a gaming-related license in any other
2627 jurisdiction under any other name and, if so, the name and the
2628 applicant's age at the time of licensure.

2629 3. Has had a permit or license issued by another
2630 jurisdiction suspended, restricted, or revoked and, if so, for
2631 what period of time.

2632 (b) An applicant for an occupational license must include
2633 his or her fingerprints in the application.

2634 (4) To be eligible for an occupational license, an
2635 applicant must:

2636 (a) Be at least 21 years of age to perform any function
2637 directly relating to limited gaming by patrons;

2638 (b) Be at least 18 years of age to perform nongaming
2639 functions;

2640 (c) Not have been convicted of a felony or a crime
2641 involving dishonesty or moral turpitude in any jurisdiction; and

2642 (d) Meet the standards for the occupational license as
2643 provided in department rules.

2644 (5) The department must deny an application for an
2645 occupational license for any person who:

2646 (a) Is not qualified to perform the duties required of a
2647 licensee;

2648 (b) Fails to disclose or knowingly submits false
2649 information in the application;

2650 (c) Has violated this part; or

2651 (d) Has had a gaming-related license or application



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2652 suspended, revoked, or denied in any other jurisdiction.

2653 (6) (a) The department may suspend, revoke, or restrict the
2654 occupational license of a licensee:

2655 1. Who violates this part or the rules of the department;

2656 2. Who defaults on the payment of any obligation or debt
2657 due to this state or a county; or

2658 3. For any just cause.

2659 (b) The department shall revoke the occupational license of
2660 a licensee for any cause that, if known to the department, would
2661 have disqualified the applicant from receiving a license.

2662 (7) Any training provided for an occupational licensee may
2663 be conducted in the facility of a resort licensee, limited
2664 gaming licensee, or at a school with which the licensee has
2665 entered into an agreement for that purpose.

2666 (8) A licensed travel agent whose commission or
2667 compensation from a licensee is derived solely from the price of
2668 the transportation or lodging arranged for by the travel agent
2669 is not required to have an occupational license.

2670 (9) A person who knowingly makes a false statement on an
2671 application for an occupational license commits a misdemeanor of
2672 the first degree, punishable as provided in s. 775.082 or s.
2673 775.083.

2674 Section 38. Section 551.323, Florida Statutes, is created
2675 to read:

2676 551.323 Temporary supplier license; temporary occupational
2677 license.—

2678 (1) Upon the written request of an applicant for a supplier
2679 license or an occupational license, the executive director shall
2680 issue a temporary license to the applicant and permit the



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2681 applicant to undertake employment with or provide gaming
2682 equipment, devices, or supplies or other goods or services to a
2683 limited gaming facility or an applicant for a resort or limited
2684 gaming license if:

2685 (a) The applicant has submitted a completed application, an
2686 application fee, all required disclosure forms, and other
2687 required written documentation and materials;

2688 (b) A preliminary review of the application and the
2689 criminal history record check does not reveal that the applicant
2690 or a person subject to a criminal history record check has been
2691 convicted of a crime that would require denial of the
2692 application;

2693 (c) A deficiency does not appear to exist in the
2694 application which may require denial of the application; and

2695 (d) The applicant has an offer of employment from, or an
2696 agreement to begin providing gaming devices, equipment, or
2697 supplies or other goods and services to, a resort licensee,
2698 limited gaming licensee, or an applicant for a resort or limited
2699 gaming license, or the applicant for a temporary license shows
2700 good cause for being granted a temporary license.

2701 (2) An initial temporary occupational license or supplier's
2702 license may not be valid for more than 90 days; however, a
2703 temporary occupational license may be renewed one time for an
2704 additional 90 days.

2705 (3) An applicant who receives a temporary license may
2706 undertake employment with or supply a resort or limited gaming
2707 licensee with gaming devices, equipment, or supplies or other
2708 goods or services until a license is issued or denied or until
2709 the temporary license expires or is suspended or revoked.



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2710 Section 39. Section 551.325, Florida Statutes, is created
2711 to read:

2712 551.325 Quarterly report.—The commission shall file
2713 quarterly reports with the Governor, the President of the
2714 Senate, and the Speaker of the House of Representatives covering
2715 the previous fiscal quarter. Each report must include:

2716 (1) A statement of receipts and disbursements related to
2717 limited gaming.

2718 (2) A summary of disciplinary actions taken by the
2719 department.

2720 (3) Any additional information and recommendations that the
2721 department believes may improve the regulation of limited gaming
2722 or increase the economic benefits of limited gaming to this
2723 state.

2724 Section 40. Section 551.327, Florida Statutes, is created
2725 to read:

2726 551.327 Resolution of disputes between licensees and
2727 wagerers.—

2728 (1) (a) The licensee must immediately notify the department
2729 of a dispute whenever a licensee has a dispute with a wagerer
2730 which is not resolved to the satisfaction of the patron if the
2731 amount disputed is \$500 or more and involves:

2732 1. Alleged winnings, alleged losses, or the award or
2733 distribution of cash, prizes, benefits, tickets, or any other
2734 item or items in a game, tournament, contest, drawing,
2735 promotion, race, or similar activity or event; or

2736 2. The manner in which a game, tournament, contest,
2737 drawing, promotion, race, or similar activity or event was
2738 conducted.



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2739 (b) If the dispute involves an amount less than \$500, the
2740 licensee must immediately notify the wagerer of his or her right
2741 to file a complaint with the department.

2742 (2) Upon notice of a dispute or receipt of a complaint, the
2743 department shall conduct any investigation it deems necessary
2744 and may order the licensee to make a payment to the wagerer upon
2745 a finding that the licensee is liable for the disputed amount.
2746 The decision of the department is effective on the date the
2747 aggrieved party receives notice of the decision. Notice of the
2748 decision is deemed sufficient if it is mailed to the last known
2749 address of the licensee and the wagerer. The notice is deemed to
2750 have been received by the licensee or the wagerer 5 days after
2751 it is deposited with the United States Postal Service with
2752 postage prepaid.

2753 (3) The failure of a licensee to notify the department of
2754 the dispute or the wagerer of the right to file a complaint is
2755 grounds for disciplinary action.

2756 (4) Gaming-related disputes may only be resolved by the
2757 department and are not under the jurisdiction of state courts.

2758 (5) This section may not be construed to deny a wagerer an
2759 opportunity to make a claim in state court for nongaming-related
2760 issues.

2761 Section 41. Section 551.328, Florida Statutes, is created
2762 to read:

2763 551.328 Enforcement of credit instruments.-

2764 (1) A credit instrument and the debt that instrument
2765 represents are valid and may be enforced by legal process.

2766 (2) A licensee may accept an incomplete credit instrument
2767 that is signed by the patron and states the amount of the debt



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2768 in numbers and may complete the instrument as is necessary for
2769 the instrument to be presented for payment.

2770 (3) A licensee may accept a credit instrument that is
2771 payable to an affiliate or may complete a credit instrument
2772 payable to an affiliate if the credit instrument otherwise
2773 complies with this section and the records of the affiliate
2774 pertaining to the credit instrument are made available to the
2775 department upon request.

2776 (4) A licensee may accept a credit instrument before,
2777 during, or after the patron incurs the debt. The credit
2778 instrument and the debt that the instrument represents are
2779 enforceable without regard to whether the credit instrument was
2780 accepted before, during, or after the incurring of the debt.

2781 (5) This section does not prohibit the establishment of an
2782 account by a deposit of cash, recognized traveler's check, or
2783 any other instrument that is equivalent to cash.

2784 (6) If a credit instrument is lost or destroyed, the debt
2785 represented by the credit instrument may be enforced if the
2786 resort licensee or person acting on behalf of the licensee can
2787 prove the existence of the credit instrument.

2788 (7) The existence of a mental disorder in a patron who
2789 provides a credit instrument to a licensee:

2790 (a) Is not a defense in any action by a licensee to enforce
2791 a credit instrument or the debt that the credit instrument
2792 represents.

2793 (b) Is not a valid counterclaim in an action to enforce the
2794 credit instrument or the debt that the credit instrument
2795 represents.

2796 (8) The failure of a licensee to comply with this section



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2797 or department rules does not invalidate a credit instrument or
2798 affect its ability to enforce the credit instrument or the debt
2799 that the credit instrument represents.

2800 (9) The department may adopt rules prescribing the
2801 conditions under which a credit instrument may be redeemed or
2802 presented to a bank, credit union, or other financial
2803 institution for collection or payment.

2804 (10) A violation of these regulatory requirements only
2805 states a basis for disciplinary action for the commission.

2806 Section 42. Section 551.330, Florida Statutes, is created
2807 to read:

2808 551.330 Compulsive or addictive gambling prevention
2809 program.—

2810 (1) A resort and limited gaming licensee shall offer
2811 training to employees on responsible gaming and shall work with
2812 a compulsive or addictive gambling prevention program to
2813 recognize problem gaming situations and to implement responsible
2814 gaming programs and practices.

2815 (2) The department shall, subject to competitive bidding,
2816 contract for direct services for the treatment of compulsive and
2817 addictive gambling.

2818 (3) Each licensee is responsible for contributing to the
2819 compulsive or addictive gambling fund treatment program. Within
2820 60 days after the end of each state fiscal year, the department
2821 must calculate the amount due from each licensee based upon the
2822 amount of gross revenues of each licensee received during the
2823 prior state fiscal year. Each licensee must pay 0.25 percent of
2824 the total of the gross revenues generated at the licensed resort
2825 or limited gaming facility within 90 days from the end of each



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2826 state fiscal year.

2827 Section 43. Section 551.331, Florida Statutes, is created
2828 to read:

2829 551.331 Voluntary self-exclusion from a limited gaming
2830 facility.-

2831 (1) A person may request that he or she be excluded from
2832 limited gaming facilities in this state by personally submitting
2833 a Request for Voluntary Self-exclusion from Limited Gaming
2834 Facilities Form to the department. The form must require the
2835 person requesting exclusion to:

2836 (a) State his or her:

2837 1. Name, including any aliases or nicknames;

2838 2. Date of birth;

2839 3. Current residential address;

2840 4. Telephone number;

2841 5. Social security number; and

2842 6. Physical description, including height, weight, gender,
2843 hair color, eye color, and any other physical characteristic
2844 that may assist in the identification of the person.

2845

2846 A self-excluded person must update the information in this
2847 paragraph on forms supplied by the department within 30 days
2848 after any change.

2849 (b) Select one of the following as the duration of the
2850 self-exclusion:

2851 1. One year.

2852 2. Five years.

2853 3. Lifetime.

2854 (c) Execute a release in which the person:



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- 2855 1. Acknowledges that the request for exclusion has been
2856 made voluntarily.
- 2857 2. Certifies that the information provided in the request
2858 for self-exclusion is true and correct.
- 2859 3. Acknowledges that the individual requesting self-
2860 exclusion is a problem gambler.
- 2861 4. Acknowledges that a person requesting a lifetime
2862 exclusion will not be removed from the self-exclusion list and
2863 that a person requesting a 1-year or 5-year exclusion will
2864 remain on the self-exclusion list until a request for removal is
2865 approved by the department.
- 2866 5. Acknowledges that, if the individual is discovered on
2867 the gaming floor of a limited gaming facility, the individual
2868 may be removed and may be arrested and prosecuted for criminal
2869 trespass.
- 2870 6. Releases, indemnifies, holds harmless, and forever
2871 discharges the state, department, and all licensee from any
2872 claims, damages, losses, expenses, or liability arising out of,
2873 by reason of or relating to the self-excluded person or to any
2874 other party for any harm, monetary or otherwise, which may arise
2875 as a result of one or more of the following:
- 2876 a. The failure of a licensee to withhold gaming privileges
2877 from or restore gaming privileges to a self-excluded person.
- 2878 b. Permitting or prohibiting a self-excluded person from
2879 engaging in gaming activity in a limited gaming facility.
- 2880 (2) A person submitting a self-exclusion request must
2881 present to the department a government-issued form of
2882 identification containing the person's signature.
- 2883 (3) The department shall take a photograph of a person



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2884 requesting self-exclusion at the time the person submits a
2885 request for self-exclusion.

2886 Section 44. Paragraph (a) of subsection (2) of section
2887 561.20, Florida Statutes, is amended to read:

2888 561.20 Limitation upon number of licenses issued.—

2889 (2) (a) No such limitation of the number of licenses as
2890 herein provided shall henceforth prohibit the issuance of a
2891 special license to:

2892 1. Any bona fide hotel, motel, or motor court of not fewer
2893 than 80 guest rooms in any county having a population of less
2894 than 50,000 residents, and of not fewer than 100 guest rooms in
2895 any county having a population of 50,000 residents or greater;
2896 or any bona fide hotel or motel located in a historic structure,
2897 as defined in s. 561.01(21), with fewer than 100 guest rooms
2898 which derives at least 51 percent of its gross revenue from the
2899 rental of hotel or motel rooms, which is licensed as a public
2900 lodging establishment by the Division of Hotels and Restaurants;
2901 provided, however, that a bona fide hotel or motel with no fewer
2902 than 10 and no more than 25 guest rooms which is a historic
2903 structure, as defined in s. 561.01(21), in a municipality that
2904 on the effective date of this act has a population, according to
2905 the University of Florida's Bureau of Economic and Business
2906 Research Estimates of Population for 1998, of no fewer than
2907 25,000 and no more than 35,000 residents and that is within a
2908 constitutionally chartered county may be issued a special
2909 license. This special license shall allow the sale and
2910 consumption of alcoholic beverages only on the licensed premises
2911 of the hotel or motel. In addition, the hotel or motel must
2912 derive at least 60 percent of its gross revenue from the rental



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2913 of hotel or motel rooms and the sale of food and nonalcoholic
2914 beverages; provided that the provisions of this subparagraph
2915 shall supersede local laws requiring a greater number of hotel
2916 rooms;

2917 2. Any condominium accommodation of which no fewer than 100
2918 condominium units are wholly rentable to transients and which is
2919 licensed under the provisions of chapter 509, except that the
2920 license shall be issued only to the person or corporation which
2921 operates the hotel or motel operation and not to the association
2922 of condominium owners;

2923 3. Any condominium accommodation of which no fewer than 50
2924 condominium units are wholly rentable to transients, which is
2925 licensed under the provisions of chapter 509, and which is
2926 located in any county having home rule under s. 10 or s. 11,
2927 Art. VIII of the State Constitution of 1885, as amended, and
2928 incorporated by reference in s. 6(e), Art. VIII of the State
2929 Constitution, except that the license shall be issued only to
2930 the person or corporation which operates the hotel or motel
2931 operation and not to the association of condominium owners;

2932 4. Any restaurant having 2,500 square feet of service area
2933 and equipped to serve 150 persons full course meals at tables at
2934 one time, and deriving at least 51 percent of its gross revenue
2935 from the sale of food and nonalcoholic beverages; however, no
2936 restaurant granted a special license on or after January 1,
2937 1958, pursuant to general or special law shall operate as a
2938 package store, nor shall intoxicating beverages be sold under
2939 such license after the hours of serving food have elapsed; or

2940 5. Any caterer, deriving at least 51 percent of its gross
2941 revenue from the sale of food and nonalcoholic beverages,



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2942 licensed by the Division of Hotels and Restaurants under chapter
2943 509. Notwithstanding any other provision of law to the contrary,
2944 a licensee under this subparagraph shall sell or serve alcoholic
2945 beverages only for consumption on the premises of a catered
2946 event at which the licensee is also providing prepared food, and
2947 shall prominently display its license at any catered event at
2948 which the caterer is selling or serving alcoholic beverages. A
2949 licensee under this subparagraph shall purchase all alcoholic
2950 beverages it sells or serves at a catered event from a vendor
2951 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
2952 565.02(1) subject to the limitation imposed in subsection (1),
2953 as appropriate. A licensee under this subparagraph may not store
2954 any alcoholic beverages to be sold or served at a catered event.
2955 Any alcoholic beverages purchased by a licensee under this
2956 subparagraph for a catered event that are not used at that event
2957 must remain with the customer; provided that if the vendor
2958 accepts unopened alcoholic beverages, the licensee may return
2959 such alcoholic beverages to the vendor for a credit or
2960 reimbursement. Regardless of the county or counties in which the
2961 licensee operates, a licensee under this subparagraph shall pay
2962 the annual state license tax set forth in s. 565.02(1)(b). A
2963 licensee under this subparagraph must maintain for a period of 3
2964 years all records required by the department by rule to
2965 demonstrate compliance with the requirements of this
2966 subparagraph, including licensed vendor receipts for the
2967 purchase of alcoholic beverages and records identifying each
2968 customer and the location and date of each catered event.
2969 Notwithstanding any provision of law to the contrary, any vendor
2970 licensed under s. 565.02(1) subject to the limitation imposed in



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2971 subsection (1), may, without any additional licensure under this
2972 subparagraph, serve or sell alcoholic beverages for consumption
2973 on the premises of a catered event at which prepared food is
2974 provided by a caterer licensed under chapter 509. If a licensee
2975 under this subparagraph also possesses any other license under
2976 the Beverage Law, the license issued under this subparagraph
2977 shall not authorize the holder to conduct activities on the
2978 premises to which the other license or licenses apply that would
2979 otherwise be prohibited by the terms of that license or the
2980 Beverage Law. Nothing in this section shall permit the licensee
2981 to conduct activities that are otherwise prohibited by the
2982 Beverage Law or local law. The Division of Alcoholic Beverages
2983 and Tobacco is hereby authorized to adopt rules to administer
2984 the license created in this subparagraph, to include rules
2985 governing licensure, recordkeeping, and enforcement. The first
2986 \$300,000 in fees collected by the division each fiscal year
2987 pursuant to this subparagraph shall be deposited in the
2988 Department of Children and Family Services' Operations and
2989 Maintenance Trust Fund to be used only for alcohol and drug
2990 abuse education, treatment, and prevention programs. The
2991 remainder of the fees collected shall be deposited into the
2992 Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

2993 6. Any destination resort or limited gaming licensee
2994 licensed by the State Gaming Commission under chapter 551.
2995 Notwithstanding any other provision of law to the contrary, a
2996 licensee under this subparagraph may sell or serve alcoholic
2997 beverages only for consumption on the premises. A licensee under
2998 this subparagraph shall purchase all alcoholic beverages from a
2999 distributor licensed under ss. 561.14, 561.15, and 561.17.



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3000 Regardless of the county or counties in which the licensee
3001 operates, a licensee under this subparagraph shall pay an annual
3002 state license tax of \$250,000, the proceeds of which shall be
3003 deposited into the Destination Resort Trust Fund of the
3004 Department of Gaming Control. This subparagraph expressly
3005 preempts the regulation of alcoholic beverages at destination
3006 resorts licensed by the State Gaming Commission to the state and
3007 supersedes any municipal or county ordinance on the subject.
3008 Notwithstanding any other law or local law or ordinance to the
3009 contrary, a licensee under this subparagraph may serve alcoholic
3010 beverages 24 hours per day, every day of the year. This
3011 subparagraph does not permit the licensee to conduct activities
3012 that are otherwise prohibited by the Beverage Law. The
3013 Department of Gaming Control shall adopt rules to implement this
3014 subparagraph, including, but not limited to, rules governing
3015 licensure, recordkeeping, and enforcement. A licensee under this
3016 subparagraph must maintain for a period of 3 years all records
3017 required by the State Gaming Commission by rule to demonstrate
3018 compliance with the requirements of this subparagraph, including
3019 licensed distributor receipts for the purchase of alcoholic
3020 beverages.

3021
3022 However, any license heretofore issued to any such hotel,
3023 motel, motor court, or restaurant or hereafter issued to any
3024 such hotel, motel, or motor court, including a condominium
3025 accommodation, under the general law shall not be moved to a new
3026 location, such license being valid only on the premises of such
3027 hotel, motel, motor court, or restaurant. Licenses issued to
3028 hotels, motels, motor courts, or restaurants under the general



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3029 law and held by such hotels, motels, motor courts, or
3030 restaurants on May 24, 1947, shall be counted in the quota
3031 limitation contained in subsection (1). Any license issued for
3032 any hotel, motel, or motor court under the provisions of this
3033 law shall be issued only to the owner of the hotel, motel, or
3034 motor court or, in the event the hotel, motel, or motor court is
3035 leased, to the lessee of the hotel, motel, or motor court; and
3036 the license shall remain in the name of the owner or lessee so
3037 long as the license is in existence. Any special license now in
3038 existence heretofore issued under the provisions of this law
3039 cannot be renewed except in the name of the owner of the hotel,
3040 motel, motor court, or restaurant or, in the event the hotel,
3041 motel, motor court, or restaurant is leased, in the name of the
3042 lessee of the hotel, motel, motor court, or restaurant in which
3043 the license is located and must remain in the name of the owner
3044 or lessee so long as the license is in existence. Any license
3045 issued under this section shall be marked "Special," and nothing
3046 herein provided shall limit, restrict, or prevent the issuance
3047 of a special license for any restaurant or motel which shall
3048 hereafter meet the requirements of the law existing immediately
3049 prior to the effective date of this act, if construction of such
3050 restaurant has commenced prior to the effective date of this act
3051 and is completed within 30 days thereafter, or if an application
3052 is on file for such special license at the time this act takes
3053 effect; and any such licenses issued under this proviso may be
3054 annually renewed as now provided by law. Nothing herein prevents
3055 an application for transfer of a license to a bona fide
3056 purchaser of any hotel, motel, motor court, or restaurant by the
3057 purchaser of such facility or the transfer of such license



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3058 pursuant to law.

3059 Section 45. Section 817.32, Florida Statutes, is amended to
3060 read:

3061 817.32 Fraudulent operation of coin-operated or similar
3062 devices.—Any person who shall operate or cause to be operated,
3063 or who shall attempt to operate, or attempt to cause to be
3064 operated, any automatic vending machine, slot machine, coinbox
3065 telephone, or other receptacle designed to operate upon the
3066 insertion of a coin, bill, ticket, token or similar object or
3067 upon payment of any consideration whatsoever, including the use
3068 of any electronic payment system ~~receive lawful coin of the~~
3069 ~~United States~~ in connection with the sale, use or enjoyment of
3070 property or service, by means of a slug or any false,
3071 counterfeited, mutilated, sweated, or foreign coin, or by any
3072 means, method, trick, or device whatsoever not lawfully
3073 authorized by the owner, lessee, or licensee of such machine,
3074 coinbox telephone or receptacle, or who shall take, obtain or
3075 receive from or in connection with any automatic vending
3076 machine, slot machine, coinbox telephone or other receptacle
3077 designed to operate upon the insertion of a coin, bill, ticket,
3078 token or similar object or upon payment of any consideration
3079 whatsoever, including the use of any electronic payment system
3080 ~~receive lawful coin of the United States~~ in connection with the
3081 sale, use, or enjoyment of property or service, any goods,
3082 wares, merchandise, gas, electric current, article of value, or
3083 the use or enjoyment of any telephone or telegraph facilities or
3084 service, or of any musical instrument, phonograph, or other
3085 property, without depositing in and surrendering to such
3086 machine, coinbox telephone or receptacle a coin, bill, ticket,



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3087 token or similar object or payment of any consideration
3088 whatsoever ~~lawful coin of the United States~~ to the amount
3089 required therefor by the owner, lessee, or licensee of such
3090 machine, coinbox telephone or receptacle, shall be guilty of a
3091 misdemeanor of the second degree, punishable as provided in s.
3092 775.082 or s. 775.083.

3093 Section 46. Section 817.33, Florida Statutes, is amended to
3094 read:

3095 817.33 Manufacture, etc., of slugs to be used in coin-
3096 operated or similar devices prohibited.—Any person who, with
3097 intent to cheat or defraud the owner, lessee, licensee, or other
3098 person entitled to the contents of any automatic vending
3099 machine, slot machine, coinbox telephone or other receptacle,
3100 depository, or contrivance designed to operate upon the
3101 insertion of a coin, bill, ticket, token or similar object or
3102 upon payment of any consideration whatsoever, including the use
3103 of any electronic payment system ~~receive lawful coin of the~~
3104 ~~United States~~ in connection with the sale, use, or enjoyment of
3105 property or service, or who, knowing that the same is intended
3106 for unlawful use, shall manufacture for sale, or sell or give
3107 away any slug, device or substance whatsoever intended or
3108 calculated to be placed or deposited in any such automatic
3109 vending machine, slot machine, coinbox telephone or other such
3110 receptacle, depository or contrivance, shall be guilty of a
3111 misdemeanor of the second degree, punishable as provided in s.
3112 775.082 or s. 775.083.

3113 Section 47. Section 849.15, Florida Statutes, is amended to
3114 read:

3115 849.15 Manufacture, sale, possession, etc., of coin-



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3116 operated devices prohibited.-

3117 (1) It is unlawful:

3118 (a) To manufacture, own, store, keep, possess, sell, rent,
3119 lease, let on shares, lend or give away, transport, or expose
3120 for sale or lease, or to offer to sell, rent, lease, let on
3121 shares, lend or give away, or permit the operation of, or for
3122 any person to permit to be placed, maintained, or used or kept
3123 in any room, space, or building owned, leased or occupied by the
3124 person or under the person's management or control, any slot
3125 machine or device or any part thereof, or other gambling
3126 apparatus or any part thereof that is otherwise prohibited from
3127 operation or possession in the state; or

3128 (b) To make or to permit to be made with any person any
3129 agreement with reference to any slot machine or device, pursuant
3130 to which the user thereof, as a result of any element of chance
3131 or other outcome unpredictable to him or her, may become
3132 entitled to receive any money, credit, allowance, or thing of
3133 value or additional chance or right to use such machine or
3134 device, or to receive any check, slug, token or memorandum
3135 entitling the holder to receive any money, credit, allowance or
3136 thing of value.

3137 (2) Pursuant to section 2 of that chapter of the Congress
3138 of the United States entitled "An act to prohibit transportation
3139 of gaming devices in interstate and foreign commerce," approved
3140 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
3141 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
3142 acting by and through the duly elected and qualified members of
3143 its Legislature, does hereby in this section, and in accordance
3144 with and in compliance with the provisions of section 2 of such



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3145 chapter of Congress, declare and proclaim that any county of the
3146 State of Florida within which slot machine gaming is authorized
3147 pursuant to chapter 551 is exempt from the provisions of section
3148 2 of that chapter of the Congress of the United States entitled
3149 "An act to prohibit transportation of gaming devices in
3150 interstate and foreign commerce," designated as 15 U.S.C. ss.
3151 1171-1177, approved January 2, 1951. All shipments of gaming
3152 devices, including slot machines, into any county of this state
3153 within which slot machine gaming is authorized pursuant to
3154 chapter 551 and the registering, recording, and labeling of
3155 which have been duly performed by the manufacturer or
3156 distributor thereof in accordance with sections 3 and 4 of that
3157 chapter of the Congress of the United States entitled "An act to
3158 prohibit transportation of gaming devices in interstate and
3159 foreign commerce," approved January 2, 1951, being ch. 1194, 64
3160 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
3161 shall be deemed legal shipments thereof into this state provided
3162 the destination of such shipments is an eligible facility as
3163 defined in s. 551.102, ~~or~~ the facility of a slot machine
3164 manufacturer or slot machine distributor as provided in s.
3165 551.109(2) (a), or the facility of a resort licensee or supplier
3166 licensee under part III of chapter 551.

3167 (3) This section does not apply to slot machine licensees
3168 authorized under part II of chapter 551 or resort or limited
3169 gaming licensees as authorized under part III of chapter 551.

3170 Section 48. Section 849.231, Florida Statutes, is amended
3171 to read:

3172 849.231 Gambling devices; manufacture, sale, purchase or
3173 possession unlawful.—



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3174 (1) Except in instances when the following described
3175 implements or apparatus are being held or transported by
3176 authorized persons for the purpose of destruction, as
3177 hereinafter provided, and except in instances when the following
3178 described instruments or apparatus are being held, sold,
3179 transported, or manufactured by persons who have registered with
3180 the United States Government pursuant to the provisions of Title
3181 15 of the United States Code, ss. 1171 et seq., as amended, so
3182 long as the described implements or apparatus are not displayed
3183 to the general public, sold for use in Florida, or held or
3184 manufactured in contravention of the requirements of 15 U.S.C.
3185 ss. 1171 et seq., it shall be unlawful for any person to
3186 manufacture, sell, transport, offer for sale, purchase, own, or
3187 have in his or her possession any roulette wheel or table, faro
3188 layout, crap table or layout, chemin de fer table or layout,
3189 chuck-a-luck wheel, bird cage such as used for gambling, bolita
3190 balls, chips with house markings, or any other device,
3191 implement, apparatus, or paraphernalia ordinarily or commonly
3192 used or designed to be used in the operation of gambling houses
3193 or establishments, excepting ordinary dice and playing cards.

3194 (2) In addition to any other penalties provided for the
3195 violation of this section, any occupational license held by a
3196 person found guilty of violating this section shall be suspended
3197 for a period not to exceed 5 years.

3198 (3) This section and s. 849.05 do not apply to a vessel of
3199 foreign registry or a vessel operated under the authority of a
3200 country except the United States, while docked in this state or
3201 transiting in the territorial waters of this state.

3202 (4) This section does not apply to slot machine licensees



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3203 authorized under part II of chapter 551 or resort or limited
3204 gaming licensees as authorized under part III of chapter 551.

3205 Section 49. Transfers.—

3206 (1) All of the statutory powers, duties and functions,
3207 records, personnel, property, and unexpended balances of
3208 appropriations, allocations, or other funds for the
3209 administration of chapter 550, Florida Statutes, are transferred
3210 intact by a type two transfer, as defined in s. 20.06(2),
3211 Florida Statutes, from the Division of Pari-mutuel Wagering of
3212 the Department of Business and Professional Regulation to the
3213 Division of Licensure of the Department of Gaming Control.

3214 (2) All of the statutory powers, duties and functions,
3215 records, personnel, property, and unexpended balances of
3216 appropriations, allocations, or other funds for the
3217 administration of chapter 551, Florida Statutes, are transferred
3218 by a type two transfer, as defined in s. 20.06(2), Florida
3219 Statutes, from the Division of Pari-mutuel Wagering of the
3220 Department of Business and Professional Regulation to the
3221 Division of Licensure of Department of Gaming Control.

3222 (3) All of the statutory powers, duties and functions,
3223 records, personnel, property, and unexpended balances of
3224 appropriations, allocations, or other funds for the
3225 administration of s. 849.086, Florida Statutes, are transferred
3226 by a type two transfer, as defined in s. 20.06(2), Florida
3227 Statutes, from the Division of Pari-mutuel Wagering of the
3228 Department of Business and Professional Regulation to the
3229 Division of Licensure of Department of Gaming Control.

3230 (4) The following trust funds are transferred from the
3231 Division of Pari-mutuel Wagering of the Department of Business



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3232 and Professional Regulation to the Division of Licensure of
3233 Department of Gaming Control:

3234 (a) Pari-mutuel Wagering Trust Fund.

3235 (b) Racing Scholarship Trust Fund.

3236 Section 50. Paragraph (f) of subsection (1), subsection
3237 (7), and paragraph (a) of subsection (13) of section 285.710,
3238 Florida Statutes, are amended to read:

3239 285.710 Compact authorization.—

3240 (1) As used in this section, the term:

3241 (f) "State compliance agency" means the Division of
3242 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
3243 Control ~~Business and Professional Regulation~~ which is designated
3244 as the state agency having the authority to carry out the
3245 state's oversight responsibilities under the compact.

3246 (7) The Division of Licensure ~~Pari-mutuel Wagering~~ of the
3247 Department of Gaming Control ~~Business and Professional~~
3248 ~~Regulation~~ is designated as the state compliance agency having
3249 the authority to carry out the state's oversight
3250 responsibilities under the compact authorized by this section.

3251 (13) For the purpose of satisfying the requirement in 25
3252 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
3253 under an Indian gaming compact must be permitted in the state
3254 for any purpose by any person, organization, or entity, the
3255 following class III games or other games specified in this
3256 section are hereby authorized to be conducted by the Tribe
3257 pursuant to the compact:

3258 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

3259 Section 51. Subsections (6) and (7) of section 550.002,
3260 Florida Statutes, are amended to read:



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3261 550.002 Definitions.—As used in this chapter, the term:

3262 (6) "Department" means the Department of Gaming Control
3263 ~~Business and Professional Regulation.~~

3264 (7) "Division" means the Division of Licensure ~~Pari-mutuel~~
3265 ~~Wagering~~ within the Department of Gaming Control ~~Business and~~
3266 ~~Professional Regulation.~~

3267 Section 52. Section 550.0251, Florida Statutes, is amended
3268 to read:

3269 550.0251 The powers and duties of the division ~~of Pari-~~
3270 ~~mutuel Wagering of the Department of Business and Professional~~
3271 ~~Regulation.~~—The division shall administer this chapter and
3272 regulate the pari-mutuel industry under this chapter and the
3273 rules adopted pursuant thereto, and:

3274 (1) The division shall make an annual report to the
3275 Governor showing its own actions, receipts derived under the
3276 provisions of this chapter, the practical effects of the
3277 application of this chapter, and any suggestions it may approve
3278 for the more effectual accomplishments of the purposes of this
3279 chapter.

3280 (2) The division shall require an oath on application
3281 documents as required by rule, which oath must state that the
3282 information contained in the document is true and complete.

3283 (3) The department ~~division~~ shall adopt reasonable rules
3284 for the control, supervision, and direction of all applicants,
3285 permittees, and licensees and for the holding, conducting, and
3286 operating of all racetracks, race meets, and races held in this
3287 state. Such rules must be uniform in their application and
3288 effect, and the duty of exercising this control and power is
3289 made mandatory upon the division.



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3290 (4) The division may take testimony concerning any matter
3291 within its jurisdiction and issue summons and subpoenas for any
3292 witness and subpoenas duces tecum in connection with any matter
3293 within the jurisdiction of the division under its seal and
3294 signed by the director.

3295 (5) The department ~~division~~ may adopt rules establishing
3296 procedures for testing occupational licenseholders officiating
3297 at or participating in any race or game at any pari-mutuel
3298 facility under the jurisdiction of the division for a controlled
3299 substance or alcohol and may prescribe procedural matters not in
3300 conflict with s. 120.80(19) ~~120.80(4)(a)~~.

3301 (6) In addition to the power to exclude certain persons
3302 from any pari-mutuel facility in this state, the division may
3303 exclude any person from any and all pari-mutuel facilities in
3304 this state for conduct that would constitute, if the person were
3305 a licensee, a violation of this chapter or the rules of the
3306 department ~~division~~. The division may exclude from any pari-
3307 mutuel facility within this state any person who has been
3308 ejected from a pari-mutuel facility in this state or who has
3309 been excluded from any pari-mutuel facility in another state by
3310 the governmental department, agency, commission, or authority
3311 exercising regulatory jurisdiction over pari-mutuel facilities
3312 in such other state. The division may authorize any person who
3313 has been ejected or excluded from pari-mutuel facilities in this
3314 state or another state to attend the pari-mutuel facilities in
3315 this state upon a finding that the attendance of such person at
3316 pari-mutuel facilities would not be adverse to the public
3317 interest or to the integrity of the sport or industry; however,
3318 this subsection shall not be construed to abrogate the common-



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3319 law right of a pari-mutuel permitholder to exclude absolutely a
3320 patron in this state.

3321 (7) The division may oversee the making of, and
3322 distribution from, all pari-mutuel pools.

3323 (8) The department may collect taxes and require compliance
3324 with reporting requirements for financial information as
3325 authorized by this chapter. In addition, the secretary of the
3326 department may require permitholders conducting pari-mutuel
3327 operations within the state to remit taxes, including fees, by
3328 electronic funds transfer if the taxes and fees amounted to
3329 \$50,000 or more in the prior reporting year.

3330 (9) The division may conduct investigations in enforcing
3331 this chapter, except that all information obtained pursuant to
3332 an investigation by the division for an alleged violation of
3333 this chapter or rules of the department ~~division~~ is exempt from
3334 s. 119.07(1) and from s. 24(a), Art. I of the State Constitution
3335 until an administrative complaint is issued or the investigation
3336 is closed or ceases to be active. This subsection does not
3337 prohibit the division from providing such information to any law
3338 enforcement agency or to any other regulatory agency. For the
3339 purposes of this subsection, an investigation is considered to
3340 be active while it is being conducted with reasonable dispatch
3341 and with a reasonable, good faith belief that it could lead to
3342 an administrative, civil, or criminal action by the division or
3343 another administrative or law enforcement agency. Except for
3344 active criminal intelligence or criminal investigative
3345 information, as defined in s. 119.011, and any other information
3346 that, if disclosed, would jeopardize the safety of an
3347 individual, all information, records, and transcriptions become



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3348 public when the investigation is closed or ceases to be active.

3349 (10) The division may impose an administrative fine for a
3350 violation under this chapter of not more than \$1,000 for each
3351 count or separate offense, except as otherwise provided in this
3352 chapter, and may suspend or revoke a permit, a pari-mutuel
3353 license, or an occupational license for a violation under this
3354 chapter. All fines imposed and collected under this subsection
3355 must be deposited with the Chief Financial Officer to the credit
3356 of the General Revenue Fund.

3357 (11) The division shall supervise and regulate the welfare
3358 of racing animals at pari-mutuel facilities.

3359 (12) The department ~~division~~ shall have full authority and
3360 power to make, adopt, amend, or repeal rules relating to
3361 cardroom operations, to enforce and to carry out the provisions
3362 of s. 849.086, and to regulate the authorized cardroom
3363 activities in the state.

3364 (13) The division shall have the authority to suspend a
3365 permitholder's permit or license, if such permitholder is
3366 operating a cardroom facility and such permitholder's cardroom
3367 license has been suspended or revoked pursuant to s. 849.086.

3368 Section 53. Subsections (15) and (16) are added and
3369 subsection (10) of section 550.054, Florida Statutes, is amended
3370 to read:

3371 550.054 Application for permit to conduct pari-mutuel
3372 wagering.—

3373 (10) If a permitholder has failed to commence ~~complete~~
3374 construction of at least 50 percent of the facilities necessary
3375 to conduct pari-mutuel operations within the later of 12 months
3376 after issuance ~~approval by the voters~~ of the permit or July 1,



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3377 2012 or entered a lease prior to July 1, 2012 to operate its
3378 pari-mutuel operations at another facility pursuant to this
3379 chapter, the division shall revoke the permit upon adequate
3380 notice to the permitholder. ~~However, the division, upon good~~
3381 ~~cause shown by the permitholder, may grant one extension of up~~
3382 ~~to 12 months.~~ "Commence construction" means initiation of and
3383 continuous activities beyond site preparation associated with
3384 erecting or modifying a pari-mutuel facility, including
3385 procurement of a building permit applying the use of approved
3386 construction documents, proof of an executed owner/contractor
3387 agreement or an irrevocable or binding forced account, and
3388 actual undertaking of foundation forming with steel installation
3389 and concrete placing.

3390 (15) The division shall revoke the permit upon adequate
3391 notice to the permitholder if the permitholder has not conducted
3392 live races or games during the 2011 and 2012 calendar years.

3393 (16) Notwithstanding any provision of this chapter, no
3394 pari-mutuel permit may be issued after July 1, 2012.

3395 Section 54. Section 550.0745, Florida Statutes, is
3396 repealed.

3397 Section 55. Subsection (3) of section 550.09515, Florida
3398 Statutes, is amended to read:

3399 550.09515 Thoroughbred horse taxes; abandoned interest in a
3400 permit for nonpayment of taxes.-

3401 (3)(a) The permit of a thoroughbred horse permitholder who
3402 does not pay tax on handle for live thoroughbred horse
3403 performances for a full schedule of live races during any 2
3404 consecutive state fiscal years shall be void and shall escheat
3405 to and become the property of the state unless such failure to



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3406 operate and pay tax on handle was the direct result of fire,
3407 strike, war, or other disaster or event beyond the ability of
3408 the permitholder to control. Financial hardship to the
3409 permitholder shall not, ~~in and of itself,~~ constitute just cause
3410 for failure to operate and pay tax on handle.

3411 ~~(b) In order to maximize the tax revenues to the state, the~~
3412 ~~division shall reissue an escheated thoroughbred horse permit to~~
3413 ~~a qualified applicant pursuant to the provisions of this chapter~~
3414 ~~as for the issuance of an initial permit. However, the~~
3415 ~~provisions of this chapter relating to referendum requirements~~
3416 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
3417 ~~escheated thoroughbred horse permit. As specified in the~~
3418 ~~application and upon approval by the division of an application~~
3419 ~~for the permit, the new permitholder shall be authorized to~~
3420 ~~operate a thoroughbred horse facility anywhere in the same~~
3421 ~~county in which the escheated permit was authorized to be~~
3422 ~~operated, notwithstanding the provisions of s. 550.054(2)~~
3423 ~~relating to mileage limitations.~~

3424 Section 56. Subsection (1) of section 550.135, Florida
3425 Statutes, is amended to read: 550.135 Division of moneys derived
3426 under this law.—All moneys that are deposited with the Chief
3427 Financial Officer to the credit of the Pari-mutuel Wagering
3428 Trust Fund shall be distributed as follows: (1) The daily
3429 license fee revenues collected pursuant to s. 550.0951(1) shall
3430 be used to fund the operating cost of the division and to
3431 provide a proportionate share of the operation of the office of
3432 the secretary and the Division of Administration of the
3433 department ~~of Business and Professional Regulation~~; however,
3434 other collections in the Pari-mutuel Wagering Trust Fund may



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3435 also be used to fund the operation of the division in accordance
3436 with authorized appropriations.

3437 Section 57. Subsection (4) of section 550.24055, Florida
3438 Statutes, is amended to read: 550.24055 Use of controlled
3439 substances or alcohol prohibited; testing of certain
3440 occupational licensees; penalty; evidence of test or action
3441 taken and admissibility for criminal prosecution limited.— (4)
3442 The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to all
3443 actions taken by the stewards, judges, or board of judges
3444 pursuant to this section without regard to the limitation
3445 contained therein.

3446 Section 58. Subsection (15) of section 550.2415, Florida
3447 Statutes, is amended to read: 550.2415 Racing of animals under
3448 certain conditions prohibited; penalties; exceptions.— (15) The
3449 department ~~division~~ may implement by rule medication levels
3450 recommended by the University of Florida College of Veterinary
3451 Medicine developed pursuant to an agreement between the division
3452 ~~of Pari-mutuel Wagering~~ and the University of Florida College of
3453 Veterinary Medicine. The University of Florida College of
3454 Veterinary Medicine may provide written notification to the
3455 division that it has completed research or review on a
3456 particular drug pursuant to the agreement and when the College
3457 of Veterinary Medicine has completed a final report of its
3458 findings, conclusions, and recommendations to the division.

3459 Section 59. Paragraph (j) of subsection (3) of section
3460 550.2625, Florida Statutes, is amended to read: 550.2625
3461 Horseracing; minimum purse requirement, Florida breeders' and
3462 owners' awards.—

3463 (3) Each horseracing permitholder conducting any



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3464 thoroughbred race under this chapter, including any intertrack
3465 race taken pursuant to ss. 550.615-550.6305 or any interstate
3466 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
3467 to 0.955 percent on all pari-mutuel pools conducted during any
3468 such race for the payment of breeders', stallion, or special
3469 racing awards as authorized in this chapter. This subsection
3470 also applies to all Breeder's Cup races conducted outside this
3471 state taken pursuant to s. 550.3551(3). On any race originating
3472 live in this state which is broadcast out-of-state to any
3473 location at which wagers are accepted pursuant to s.
3474 550.3551(2), the host track is required to pay 3.475 percent of
3475 the gross revenue derived from such out-of-state broadcasts as
3476 breeders', stallion, or special racing awards. The Florida
3477 Thoroughbred Breeders' Association is authorized to receive
3478 these payments from the permitholders and make payments of
3479 awards earned. The Florida Thoroughbred Breeders' Association
3480 has the right to withhold up to 10 percent of the permitholder's
3481 payments under this section as a fee for administering the
3482 payments of awards and for general promotion of the industry.
3483 The permitholder shall remit these payments to the Florida
3484 Thoroughbred Breeders' Association by the 5th day of each
3485 calendar month for such sums accruing during the preceding
3486 calendar month and shall report such payments to the division as
3487 prescribed by the division. With the exception of the 10-percent
3488 fee, the moneys paid by the permitholders shall be maintained in
3489 a separate, interest-bearing account, and such payments together
3490 with any interest earned shall be used exclusively for the
3491 payment of breeders', stallion, or special racing awards in
3492 accordance with the following provisions: (j) If the division



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3493 finds that the Florida Thoroughbred Breeders' Association has
3494 not complied with any provision of this section, the division
3495 may order the association to cease and desist from receiving
3496 funds and administering funds received under this section. If
3497 the division enters such an order, the permitholder shall make
3498 the payments authorized in this section to the division for
3499 deposit into the Pari-mutuel Wagering Trust Fund; and any funds
3500 in the Florida Thoroughbred Breeders' Association account shall
3501 be immediately paid to the division ~~of Pari-mutuel Wagering~~ for
3502 deposit to the Pari-mutuel Wagering Trust Fund. The division
3503 shall authorize payment from these funds to any breeder or
3504 stallion owner entitled to an award that has not been previously
3505 paid by the Florida Thoroughbred Breeders' Association in
3506 accordance with the applicable rate.

3507 Section 60. Subsection (1) of section 550.2704, Florida
3508 Statutes, is amended to read:

3509 550.2704 Jai Alai Tournament of Champions Meet.-

3510 (1) Notwithstanding any provision of this chapter, there is
3511 hereby created a special jai alai meet which shall be designated
3512 as the "Jai Alai Tournament of Champions Meet" and which shall
3513 be hosted by the Florida jai alai permitholders selected by the
3514 National Association of Jai Alai Frontons, Inc., to conduct such
3515 meet. The meet shall consist of three qualifying performances
3516 and a final performance, each of which is to be conducted on
3517 different days. Upon the selection of the Florida permitholders
3518 for the meet, and upon application by the selected
3519 permitholders, the division ~~of Pari-mutuel Wagering~~ shall issue
3520 a license to each of the selected permitholders to operate the
3521 meet. The meet may be conducted during a season in which the



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3522 permitholders selected to conduct the meet are not otherwise
3523 authorized to conduct a meet. Notwithstanding anything herein to
3524 the contrary, any Florida permitholder who is to conduct a
3525 performance which is a part of the Jai Alai Tournament of
3526 Champions Meet shall not be required to apply for the license
3527 for said meet if it is to be run during the regular season for
3528 which such permitholder has a license.

3529 Section 61. Subsection (3) of section 550.902, Florida
3530 Statutes, is amended to read:

3531 550.902 Purposes.—The purposes of this compact are to:

3532 (3) Authorize the department ~~of Business and Professional~~
3533 ~~Regulation~~ to participate in this compact.

3534 Section 62. Subsection (1) of section 550.907, Florida
3535 Statutes, is amended to read:

3536 550.907 Compact committee.—(1) There is created an
3537 interstate governmental entity to be known as the "compact
3538 committee," which shall be composed of one official from the
3539 racing commission, or the equivalent thereof, in each party
3540 state who shall be appointed, serve, and be subject to removal
3541 in accordance with the laws of the party state that she or he
3542 represents. The official from Florida shall be appointed by the
3543 State Gaming Commission ~~Secretary of Business and Professional~~
3544 ~~Regulation~~. Pursuant to the laws of her or his party state, each
3545 official shall have the assistance of her or his state's racing
3546 commission, or the equivalent thereof, in considering issues
3547 related to licensing of participants in pari-mutuel wagering and
3548 in fulfilling her or his responsibilities as the representative
3549 from her or his state to the compact committee.

3550 Section 63. Section 551.101, Florida Statutes, is amended



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3551 to read:

3552 551.101 Slot machine gaming authorized.—Any licensed pari-
3553 mutuel facility located in Miami-Dade County or Broward County
3554 existing at the time of adoption of s. 23, Art. X of the State
3555 Constitution that has conducted live racing or games during
3556 calendar years 2002 and 2003 may possess slot machines and
3557 conduct slot machine gaming at the location where the pari-
3558 mutuel permitholder is authorized to conduct pari-mutuel
3559 wagering activities pursuant to such permitholder's valid pari-
3560 mutuel permit provided that a majority of voters in a countywide
3561 referendum have approved slot machines at such facility in the
3562 respective county. Slot machine gaming may also be conducted at
3563 any licensed pari-mutuel facility at the location where the
3564 pari-mutuel permitholder is authorized to conduct pari-mutuel
3565 wagering activities located in any other county provided the
3566 county where the facility is located has authorized the pari-
3567 mutuel facility to conduct slot machine gaming pursuant to a
3568 countywide referendum which must be approved by the majority of
3569 voters in the county prior to December 31, 2014. Notwithstanding
3570 any other provision of law, it is not a crime for a person to
3571 participate in slot machine gaming at a pari-mutuel facility
3572 licensed to possess slot machines and conduct slot machine
3573 gaming or to participate in slot machine gaming described in
3574 this ~~part~~ ~~chapter~~.

3575 Section 64. Section 551.102, Florida Statutes, is amended
3576 to read:

3577 551.102 Definitions.—As used in this part ~~chapter~~, the
3578 term:

3579 (1) "Distributor" means any person who sells, leases, or



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3580 offers or otherwise provides, distributes, or services any slot
3581 machine or associated equipment for use or play of slot machines
3582 in this state. A manufacturer may be a distributor within the
3583 state.

3584 (2) "Designated slot machine gaming area" means the area or
3585 areas of a facility of a slot machine licensee in which slot
3586 machine gaming may be conducted in accordance with the
3587 provisions of this part ~~chapter~~.

3588 ~~(3) "Division" means the Division of Pari-mutuel Wagering
3589 of the Department of Business and Professional Regulation.~~

3590 (3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel
3591 facility located in Miami-Dade County or Broward County existing
3592 at the time of adoption of s. 23, Art. X of the State
3593 Constitution that has conducted live racing or games during
3594 calendar years 2002 and 2003 and has been approved by a majority
3595 of voters in a countywide referendum to have slot machines at
3596 such facility in the respective county; any licensed pari-mutuel
3597 facility located within a county as defined in s. 125.011,
3598 provided such facility has conducted live racing or games for 2
3599 consecutive calendar years immediately preceding its application
3600 for a slot machine license, pays the required license fee, and
3601 meets the other requirements of this part ~~chapter~~; or any
3602 licensed pari-mutuel facility in any other county in which a
3603 majority of voters have approved slot machines at such
3604 facilities in a countywide referendum held before December 31,
3605 2014 ~~pursuant to a statutory or constitutional authorization~~
3606 ~~after the effective date of this section in the respective~~
3607 ~~county~~, provided such facility has conducted a full schedule of
3608 live racing for 2 consecutive calendar years immediately



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3609 preceding its application for a slot machine license, pays the
3610 required licensed fee, and meets the other requirements of this
3611 part ~~chapter~~.

3612 (4)~~(5)~~ "Manufacturer" means any person who manufactures,
3613 builds, rebuilds, fabricates, assembles, produces, programs,
3614 designs, or otherwise makes modifications to any slot machine or
3615 associated equipment for use or play of slot machines in this
3616 state for gaming purposes. A manufacturer may be a distributor
3617 within the state.

3618 (5)~~(6)~~ "Nonredeemable credits" means slot machine operating
3619 credits that cannot be redeemed for cash or any other thing of
3620 value by a slot machine, kiosk, or the slot machine licensee and
3621 that are provided free of charge to patrons. Such credits do not
3622 constitute "nonredeemable credits" until such time as they are
3623 metered as credit into a slot machine and recorded in the
3624 facility-based monitoring system.

3625 (6)~~(7)~~ "Progressive system" means a computerized system
3626 linking slot machines in one or more licensed facilities within
3627 this state or other jurisdictions and offering one or more
3628 common progressive payouts based on the amounts wagered.

3629 (7)~~(8)~~ "Slot machine" means any mechanical or electrical
3630 contrivance, terminal that may or may not be capable of
3631 downloading slot games from a central server system, machine, or
3632 other device that, upon insertion of a coin, bill, ticket,
3633 token, or similar object or upon payment of any consideration
3634 whatsoever, including the use of any electronic payment system
3635 except a credit card or debit card, is available to play or
3636 operate, the play or operation of which, whether by reason of
3637 skill or application of the element of chance or both, may



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3638 deliver or entitle the person or persons playing or operating
3639 the contrivance, terminal, machine, or other device to receive
3640 cash, billets, tickets, tokens, or electronic credits to be
3641 exchanged for cash or to receive merchandise or anything of
3642 value whatsoever, whether the payoff is made automatically from
3643 the machine or manually. The term includes associated equipment
3644 necessary to conduct the operation of the contrivance, terminal,
3645 machine, or other device. Slot machines may use spinning reels,
3646 video displays, or both. A slot machine is not a "coin-operated
3647 amusement machine" as defined in s. 212.02(24) or an amusement
3648 game or machine as described in s. 849.161, and slot machines
3649 are not subject to the tax imposed by s. 212.05(1)(h).

3650 (8)~~(9)~~ "Slot machine facility" means a facility at which
3651 slot machines as defined in this part ~~chapter~~ are lawfully
3652 offered for play.

3653 (9)~~(10)~~ "Slot machine license" means a license issued by
3654 the division authorizing a pari-mutuel permitholder to place and
3655 operate slot machines as provided by ~~s. 23, Art. X of the State~~
3656 ~~Constitution~~, the provisions of this part ~~chapter~~, and
3657 department ~~division~~ rules.

3658 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel
3659 permitholder who holds a license issued by the division pursuant
3660 to this part ~~chapter~~ that authorizes such person to possess a
3661 slot machine within an eligible pari-mutuel facility ~~facilities~~
3662 ~~specified in s. 23, Art. X of the State Constitution~~ and allows
3663 slot machine gaming.

3664 (11)~~(12)~~ "Slot machine operator" means a person employed or
3665 contracted by the owner of a licensed facility to conduct slot
3666 machine gaming at that licensed facility.



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3667 ~~(12)-(13)~~ "Slot machine revenues" means the total of all
3668 cash and property, except nonredeemable credits, received by the
3669 slot machine licensee from the operation of slot machines less
3670 the amount of cash, cash equivalents, credits, and prizes paid
3671 to winners of slot machine gaming.

3672 Section 65. Subsections (1), (2), and (3) and paragraph (b)
3673 of subsection (4) of section 551.103, Florida Statutes, are
3674 amended to read:

3675 551.103 Powers and duties of the division and law
3676 enforcement.—

3677 (1) The department ~~division~~ shall adopt, pursuant to the
3678 provisions of ss. 120.536(1) and 120.54, all rules necessary to
3679 implement, administer, and regulate slot machine gaming as
3680 authorized in this part ~~chapter~~. Such rules must include:

3681 (a) Procedures for applying for a slot machine license and
3682 renewal of a slot machine license.

3683 (b) Technical requirements and the qualifications contained
3684 in this part ~~chapter~~ that are necessary to receive a slot
3685 machine license or slot machine occupational license.

3686 (c) Procedures to scientifically test and technically
3687 evaluate slot machines for compliance with this part ~~chapter~~.
3688 The division may contract with an independent testing laboratory
3689 to conduct any necessary testing under this section. The
3690 independent testing laboratory must have a national reputation
3691 which is demonstrably competent and qualified to scientifically
3692 test and evaluate slot machines for compliance with this part
3693 ~~chapter~~ and to otherwise perform the functions assigned to it in
3694 this part ~~chapter~~. An independent testing laboratory shall not
3695 be owned or controlled by a licensee. The use of an independent



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3696 testing laboratory for any purpose related to the conduct of
3697 slot machine gaming by a licensee under this part ~~chapter~~ shall
3698 be made from a list of one or more laboratories approved by the
3699 division.

3700 (d) Procedures relating to slot machine revenues, including
3701 verifying and accounting for such revenues, auditing, and
3702 collecting taxes and fees consistent with this part ~~chapter~~.

3703 (e) Procedures for regulating, managing, and auditing the
3704 operation, financial data, and program information relating to
3705 slot machine gaming that allow the division and the Department
3706 of Law Enforcement to audit the operation, financial data, and
3707 program information of a slot machine licensee, as required by
3708 the division or the Department of Law Enforcement, and provide
3709 the division and the Department of Law Enforcement with the
3710 ability to monitor, at any time on a real-time basis, wagering
3711 patterns, payouts, tax collection, and compliance with any rules
3712 adopted by the department ~~division~~ for the regulation and
3713 control of slot machines operated under this part ~~chapter~~. Such
3714 continuous and complete access, at any time on a real-time
3715 basis, shall include the ability of either the division or the
3716 Department of Law Enforcement to suspend play immediately on
3717 particular slot machines if monitoring of the facilities-based
3718 computer system indicates possible tampering or manipulation of
3719 those slot machines or the ability to suspend play immediately
3720 of the entire operation if the tampering or manipulation is of
3721 the computer system itself. The division shall notify the
3722 Department of Law Enforcement or the Department of Law
3723 Enforcement shall notify the division, as appropriate, whenever
3724 there is a suspension of play under this paragraph. The division



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3725 and the Department of Law Enforcement shall exchange such
3726 information necessary for and cooperate in the investigation of
3727 the circumstances requiring suspension of play under this
3728 paragraph.

3729 (f) Procedures for requiring each licensee at his or her
3730 own cost and expense to supply the division with a bond having
3731 the penal sum of \$2 million payable to the Governor and his or
3732 her successors in office for each year of the licensee's slot
3733 machine operations. Any bond shall be issued by a surety or
3734 sureties approved by the division and the Chief Financial
3735 Officer, conditioned to faithfully make the payments to the
3736 Chief Financial Officer in his or her capacity as treasurer of
3737 the division. The licensee shall be required to keep its books
3738 and records and make reports as provided in this part ~~chapter~~
3739 and to conduct its slot machine operations in conformity with
3740 this part ~~chapter~~ and all other provisions of law. Such bond
3741 shall be separate and distinct from the bond required in s.
3742 550.125.

3743 (g) Procedures for requiring licensees to maintain
3744 specified records and submit any data, information, record, or
3745 report, including financial and income records, required by this
3746 part ~~chapter~~ or determined by the division to be necessary to
3747 the proper implementation and enforcement of this part ~~chapter~~.

3748 (h) A requirement that the payout percentage of a slot
3749 machine be no less than 85 percent.

3750 (i) Minimum standards for security of the facilities,
3751 including floor plans, security cameras, and other security
3752 equipment.

3753 (j) Procedures for requiring slot machine licensees to



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3754 implement and establish drug-testing programs for all slot
3755 machine occupational licensees.

3756 (2) The division shall conduct such investigations
3757 necessary to fulfill its responsibilities under the provisions
3758 of this part ~~chapter~~.

3759 (3) The Department of Law Enforcement and local law
3760 enforcement agencies shall have concurrent jurisdiction to
3761 investigate criminal violations of this part ~~chapter~~ and may
3762 investigate any other criminal violation of law occurring at the
3763 facilities of a slot machine licensee, and such investigations
3764 may be conducted in conjunction with the appropriate state
3765 attorney.

3766 (4) (b) In addition, the division may: 1. Collect taxes,
3767 assessments, fees, and penalties. 2. Deny, revoke, suspend, or
3768 place conditions on the license of a person who violates any
3769 provision of this part ~~chapter~~ or rule adopted pursuant thereto.

3770 Section 66. Subsections (1) and (2), paragraph (a) of
3771 subsection (4), subsections (6) and (8), and paragraph (d) of
3772 subsection (10) of section 551.104, Florida Statutes, are
3773 amended to read:

3774 551.104 License to conduct slot machine gaming.—

3775 (1) Upon application and a finding by the division after
3776 investigation that the application is complete and the applicant
3777 is qualified and payment of the initial license fee, the
3778 division may issue a license to conduct slot machine gaming in
3779 the designated slot machine gaming area of the eligible
3780 facility. Once licensed, slot machine gaming may be conducted
3781 subject to the requirements of this part ~~chapter~~ and rules
3782 adopted pursuant thereto.



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3783 (2) An application may be approved by the division only
3784 after the voters of the county where the applicant's facility is
3785 located have authorized by referendum slot machines within pari-
3786 mutuel facilities in that county by a countywide referendum
3787 where the majority of voters have approved slot machine gaming
3788 in that county prior to December 31, 2014 ~~as specified in s. 23,~~
3789 ~~Art. X of the State Constitution.~~

3790 (4) As a condition of licensure and to maintain continued
3791 authority for the conduct of slot machine gaming, the slot
3792 machine licensee shall:

3793 (a) Continue to be in compliance with this part ~~chapter~~.

3794 (6) A slot machine licensee shall keep and maintain
3795 permanent daily records of its slot machine operation and shall
3796 maintain such records for a period of not less than 5 years.
3797 These records must include all financial transactions and
3798 contain sufficient detail to determine compliance with the
3799 requirements of this part ~~chapter~~. All records shall be
3800 available for audit and inspection by the division, the
3801 Department of Law Enforcement, or other law enforcement agencies
3802 during the licensee's regular business hours.

3803 (8) A slot machine licensee shall file with the division an
3804 audit of the receipt and distribution of all slot machine
3805 revenues provided by an independent certified public accountant
3806 verifying compliance with all financial and auditing provisions
3807 of this part ~~chapter~~ and the associated rules adopted under this
3808 part ~~chapter~~. The audit must include verification of compliance
3809 with all statutes and rules regarding all required records of
3810 slot machine operations. Such audit shall be filed within 60
3811 days after the completion of the permitholder's pari-mutuel



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3812 meet.

3813 (10) (d) If any provision of this subsection or its
3814 application to any person or circumstance is held invalid, the
3815 invalidity does not affect other provisions or applications of
3816 this subsection or part ~~chapter~~ which can be given effect
3817 without the invalid provision or application, and to this end
3818 the provisions of this subsection are severable.

3819 Section 67. Subsection (1), paragraph (a) of subsection
3820 (2), and subsection (4) of section 551.106, Florida Statutes,
3821 are amended to read:

3822 551.106 License fee; tax rate; penalties.-

3823 (1) LICENSE FEE.-

3824 ~~(a)~~ Upon submission of the initial application for a slot
3825 machine license and annually thereafter, on the anniversary date
3826 of the issuance of the initial license, the licensee must pay to
3827 the division a nonrefundable license fee of \$2 million ~~\$3~~
3828 ~~million~~ for the succeeding 12 months of licensure. ~~In the 2010-~~
3829 ~~2011 fiscal year, the licensee must pay the division a~~
3830 ~~nonrefundable license fee of \$2.5 million for the succeeding 12~~
3831 ~~months of licensure. In the 2011-2012 fiscal year and for every~~
3832 ~~fiscal year thereafter, the licensee must pay the division a~~
3833 ~~nonrefundable license fee of \$2 million for the succeeding 12~~
3834 ~~months of licensure.~~ The license fee shall be deposited into the
3835 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
3836 ~~and Professional Regulation~~ to be used by the division and the
3837 Department of Law Enforcement for investigations, regulation of
3838 slot machine gaming, and enforcement of slot machine gaming
3839 provisions under this part ~~chapter~~. These payments shall be
3840 accounted for separately from taxes or fees paid pursuant to the



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3841 provisions of chapter 550.

3842 ~~(b) Prior to January 1, 2007, the division shall evaluate~~
3843 ~~the license fee and shall make recommendations to the President~~
3844 ~~of the Senate and the Speaker of the House of Representatives~~
3845 ~~regarding the optimum level of slot machine license fees in~~
3846 ~~order to adequately support the slot machine regulatory program.~~

3847 (2) TAX ON SLOT MACHINE REVENUES.—

3848 (a) The tax rate on slot machine revenues at each facility
3849 shall be 35 percent. If a destination resort license is issued,
3850 and after the first game is conducted at the destination resort,
3851 the tax rate on slot machine revenues at each facility shall be
3852 18 percent. If, during any state fiscal year, the aggregate
3853 amount of tax paid to the state by all slot machine licensees ~~in~~
3854 ~~Broward and Miami-Dade Counties~~ is less than the aggregate
3855 amount of tax paid to the state by all slot machine licensees in
3856 the 2008-2009 fiscal year, each slot machine licensee shall pay
3857 to the state within 45 days after the end of the state fiscal
3858 year a surcharge equal to its pro rata share of an amount equal
3859 to the difference between the aggregate amount of tax paid to
3860 the state by all slot machine licensees in the 2008-2009 fiscal
3861 year and the amount of tax paid during the fiscal year. Each
3862 licensee's pro rata share shall be an amount determined by
3863 dividing the number 1 by the number of facilities licensed to
3864 operate slot machines during the applicable fiscal year,
3865 regardless of whether the facility is operating such machines.

3866 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
3867 fails to make tax payments as required under this section is
3868 subject to an administrative penalty of up to \$10,000 for each
3869 day the tax payment is not remitted. All administrative



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3870 penalties imposed and collected shall be deposited into the
3871 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
3872 ~~and Professional Regulation~~. If any slot machine licensee fails
3873 to pay penalties imposed by order of the division under this
3874 subsection, the division may suspend, revoke, or refuse to renew
3875 the license of the slot machine licensee.

3876 Section 68. Subsection (1), paragraph (d) of subsection
3877 (4), paragraph (a) of subsection (6), and subsection (11) of
3878 section 551.107, Florida Statutes, are amended to read:

3879 551.107 Slot machine occupational license; findings;
3880 application; fee.—

3881 (1) The Legislature finds that individuals and entities
3882 that are licensed under this section require heightened state
3883 scrutiny, including the submission by the individual licensees
3884 or persons associated with the entities described in this part
3885 ~~chapter~~ of fingerprints for a criminal history record check.

3886 (4)

3887 (d) The slot machine occupational license fee for initial
3888 application and annual renewal shall be determined by rule of
3889 the department ~~division~~ but may not exceed \$50 for a general or
3890 professional occupational license for an employee of the slot
3891 machine licensee or \$1,000 for a business occupational license
3892 for nonemployees of the licensee providing goods or services to
3893 the slot machine licensee. License fees for general occupational
3894 licensees shall be paid by the slot machine licensee. Failure to
3895 pay the required fee constitutes grounds for disciplinary action
3896 by the division against the slot machine licensee, but it is not
3897 a violation of this part ~~chapter~~ or rules of the department
3898 ~~division~~ by the general occupational licensee and does not



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3899 prohibit the initial issuance or the renewal of the general
3900 occupational license.

3901 (6) (a) The division may deny, suspend, revoke, or refuse to
3902 renew any slot machine occupational license if the applicant for
3903 such license or the licensee has violated the provisions of this
3904 part chapter or the rules of the department division governing
3905 the conduct of persons connected with slot machine gaming. In
3906 addition, the division may deny, suspend, revoke, or refuse to
3907 renew any slot machine occupational license if the applicant for
3908 such license or the licensee has been convicted in this state,
3909 in any other state, or under the laws of the United States of a
3910 capital felony, a felony, or an offense in any other state that
3911 would be a felony under the laws of this state involving arson;
3912 trafficking in, conspiracy to traffic in, smuggling, importing,
3913 conspiracy to smuggle or import, or delivery, sale, or
3914 distribution of a controlled substance; racketeering; or a crime
3915 involving a lack of good moral character, or has had a gaming
3916 license revoked by this state or any other jurisdiction for any
3917 gaming-related offense.

3918 (11) The division may impose a civil fine of up to \$5,000
3919 for each violation of this part chapter or the rules of the
3920 department division in addition to or in lieu of any other
3921 penalty provided for in this section. The department division
3922 may adopt a penalty schedule for violations of this part chapter
3923 or any rule adopted pursuant to this part chapter for which it
3924 would impose a fine in lieu of a suspension and adopt rules
3925 allowing for the issuance of citations, including procedures to
3926 address such citations, to persons who violate such rules. In
3927 addition to any other penalty provided by law, the division may



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3928 exclude from all licensed slot machine facilities in this state,
3929 for a period not to exceed the period of suspension, revocation,
3930 or ineligibility, any person whose occupational license
3931 application has been declared ineligible to hold an occupational
3932 license or whose occupational license has been suspended or
3933 revoked by the division.

3934 Section 69. Subsection (2) of section 551.108, Florida
3935 Statutes, is amended to read:

3936 551.108 Prohibited relationships.—

3937 (2) A manufacturer or distributor of slot machines may not
3938 enter into any contract with a slot machine licensee that
3939 provides for any revenue sharing of any kind or nature that is
3940 directly or indirectly calculated on the basis of a percentage
3941 of slot machine revenues. Any maneuver, shift, or device whereby
3942 this subsection is violated is a violation of this part ~~chapter~~
3943 and renders any such agreement void.

3944 Section 70. Subsections (1), (2), and (7) of section
3945 551.109, Florida Statutes, are amended to read:

3946 551.109 Prohibited acts; penalties.—

3947 (1) Except as otherwise provided by law and in addition to
3948 any other penalty, any person who knowingly makes or causes to
3949 be made, or aids, assists, or procures another to make, a false
3950 statement in any report, disclosure, application, or any other
3951 document required under this part ~~chapter~~ or any rule adopted
3952 under this part ~~chapter~~ is subject to an administrative fine or
3953 civil penalty of up to \$10,000.

3954 (2) Except as otherwise provided by law and in addition to
3955 any other penalty, any person who possesses a slot machine
3956 without the license required by this part ~~chapter~~ or who



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3957 possesses a slot machine at any location other than at the slot
3958 machine licensee's facility is subject to an administrative fine
3959 or civil penalty of up to \$10,000 per machine. The prohibition
3960 in this subsection does not apply to:

3961 (a) Slot machine manufacturers or slot machine distributors
3962 that hold appropriate licenses issued by the division who are
3963 authorized to maintain a slot machine storage and maintenance
3964 facility at any location in a county in which slot machine
3965 gaming is authorized by this part ~~chapter~~. The department
3966 ~~division~~ may adopt rules regarding security and access to the
3967 storage facility and inspections by the division.

3968 (b) Certified educational facilities that are authorized to
3969 maintain slot machines for the sole purpose of education and
3970 licensure, if any, of slot machine technicians, inspectors, or
3971 investigators. The division and the Department of Law
3972 Enforcement may possess slot machines for training and testing
3973 purposes. The department ~~division~~ may adopt rules regarding the
3974 regulation of any such slot machines used for educational,
3975 training, or testing purposes.

3976 (7) All penalties imposed and collected under this section
3977 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
3978 ~~the Department of Business and Professional Regulation~~.

3979 Section 71. Section 551.111, Florida Statutes, is amended
3980 to read:

3981 551.111 Legal devices.—Notwithstanding any provision of law
3982 to the contrary, a slot machine manufactured, sold, distributed,
3983 possessed, or operated according to the provisions of this part
3984 ~~chapter~~ is not unlawful.

3985 Section 72. Section 551.112, Florida Statutes, is amended



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3986 to read:

3987 551.112 Exclusions of certain persons.—In addition to the
3988 power to exclude certain persons from any facility of a slot
3989 machine licensee in this state, the division may exclude any
3990 person from any facility of a slot machine licensee in this
3991 state for conduct that would constitute, if the person were a
3992 licensee, a violation of this part ~~chapter~~ or the rules of the
3993 division. The division may exclude from any facility of a slot
3994 machine licensee any person who has been ejected from a facility
3995 of a slot machine licensee in this state or who has been
3996 excluded from any facility of a slot machine licensee or gaming
3997 facility in another state by the governmental department,
3998 agency, commission, or authority exercising regulatory
3999 jurisdiction over the gaming in such other state. This section
4000 does not abrogate the common law right of a slot machine
4001 licensee to exclude a patron absolutely in this state.

4002 Section 73. Section 551.117, Florida Statutes, is amended
4003 to read:

4004 551.117 Penalties.—The division may revoke or suspend any
4005 slot machine license issued under this part ~~chapter~~ upon the
4006 willful violation by the slot machine licensee of any provision
4007 of this part ~~chapter~~ or of any rule adopted under this part
4008 ~~chapter~~. In lieu of suspending or revoking a slot machine
4009 license, the division may impose a civil penalty against the
4010 slot machine licensee for a violation of this part ~~chapter~~ or
4011 any rule adopted by the department ~~division~~. Except as otherwise
4012 provided in this part ~~chapter~~, the penalty so imposed may not
4013 exceed \$100,000 for each count or separate offense. All
4014 penalties imposed and collected must be deposited into the Pari-



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4015 ~~mutuel Wagering Trust Fund of the Department of Business and~~
4016 ~~Professional Regulation.~~

4017 Section 74. Subsections (2) and (3) of section 551.118,
4018 Florida Statutes, are amended to read:

4019 551.118 Compulsive or addictive gambling prevention
4020 program.—

4021 (2) The division shall, subject to competitive bidding,
4022 contract for direct services ~~provision of services~~ related to
4023 the prevention of compulsive and addictive gambling. ~~The~~
4024 ~~contract shall provide for an advertising program to encourage~~
4025 ~~responsible gaming practices and to publicize a gambling~~
4026 ~~telephone help line. Such advertisements must be made both~~
4027 ~~publicly and inside the designated slot machine gaming areas of~~
4028 ~~the licensee's facilities. The terms of any contract for the~~
4029 ~~provision of such services shall include accountability~~
4030 ~~standards that must be met by any private provider. The failure~~
4031 ~~of any private provider to meet any material terms of the~~
4032 ~~contract, including the accountability standards, shall~~
4033 ~~constitute a breach of contract or grounds for nonrenewal. The~~
4034 ~~division may consult with the Department of the Lottery in the~~
4035 ~~development of the program and the development and analysis of~~
4036 ~~any procurement for contractual services for the compulsive or~~
4037 ~~addictive gambling prevention program.~~

4038 (3) Each licensee is responsible for contributing to the
4039 compulsive or addictive gambling fund treatment program. Within
4040 60 days after the end of each state fiscal year, the department
4041 must calculate the amount due from each licensee based upon the
4042 amount of gross revenues of each licensee received during the
4043 prior state fiscal year. Each licensee must pay 0.25 percent of



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4044 the total of the gross revenues generated at the licensed slot
4045 machine facility within 90 days from the end of each state
4046 fiscal year. ~~The compulsive or addictive gambling prevention~~
4047 ~~program shall be funded from an annual nonrefundable regulatory~~
4048 ~~fee of \$250,000 paid by the licensee to the division.~~

4049 Section 75. Section 551.119, Florida Statutes, is amended
4050 to read:

4051 551.119 Caterer's license.—A slot machine licensee is
4052 entitled to a caterer's license pursuant to s. 565.02 on days on
4053 which the pari-mutuel facility is open to the public for slot
4054 machine game play as authorized by this part ~~chapter~~.

4055 Section 76. Section 551.122, Florida Statutes, is amended
4056 to read:

4057 551.122 Rulemaking.—The department ~~division~~ may adopt rules
4058 pursuant to ss. 120.536(1) and 120.54 to administer the
4059 provisions of this part ~~chapter~~.

4060 Section 77. Section 551.123, Florida Statutes, is amended
4061 to read:

4062 551.123 Legislative authority; administration of part
4063 ~~chapter~~.—The Legislature finds and declares that it has
4064 exclusive authority over the conduct of all wagering occurring
4065 at a slot machine facility in this state. As provided by law,
4066 only the division ~~of Pari-mutuel Wagering~~ and other authorized
4067 state agencies shall administer this part ~~chapter~~ and regulate
4068 the slot machine gaming industry, including operation of slot
4069 machine facilities, games, slot machines, and facilities-based
4070 computer systems authorized in this part ~~chapter~~ and the rules
4071 adopted by the department ~~division~~.

4072 Section 78. Subsection (5) of section 565.02, Florida



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4073 Statutes, is amended to read:

4074 565.02 License fees; vendors; clubs; caterers; and others.—

4075 (5) A caterer at a horse or dog racetrack or jai alai
4076 fronton may obtain a license upon the payment of an annual state
4077 license tax of \$675. Such caterer's license shall permit sales
4078 only within the enclosure in which such races or jai alai games
4079 are conducted, and such licensee shall be permitted to sell only
4080 during the period beginning 10 days before and ending 10 days
4081 after racing or jai alai under the authority of the Division of
4082 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
4083 Control ~~Business and Professional Regulation~~ is conducted at
4084 such racetrack or jai alai fronton. Except as in this subsection
4085 otherwise provided, caterers licensed hereunder shall be treated
4086 as vendors licensed to sell by the drink the beverages mentioned
4087 herein and shall be subject to all the provisions hereof
4088 relating to such vendors.

4089 Section 79. Section 817.37, Florida Statutes, is amended to
4090 read:

4091 817.37 Touting; defining; providing punishment; ejection
4092 from racetracks.—

4093 (1) Any person who knowingly and designedly by false
4094 representation attempts to, or does persuade, procure or cause
4095 another person to wager on a horse in a race to be run in this
4096 state or elsewhere, and upon which money is wagered in this
4097 state, and who asks or demands compensation as a reward for
4098 information or purported information given in such case is a
4099 tout, and is guilty of touting.

4100 (2) Any person who is a tout, or who attempts or conspires
4101 to commit touting, shall be guilty of a misdemeanor of the



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4102 second degree, punishable as provided in s. 775.082 or s.
4103 775.083.

4104 (3) Any person who in the commission of touting falsely
4105 uses the name of any official of the ~~Florida~~ Division of
4106 Licensure of the Department of Gaming Control ~~Pari-mutuel~~
4107 ~~Wagering~~, its inspectors or attaches, or of any official of any
4108 racetrack association, or the names of any owner, trainer,
4109 jockey, or other person licensed by the ~~Florida~~ Division of
4110 Licensure of the Department of Gaming Control ~~Pari-mutuel~~
4111 ~~Wagering~~, as the source of any information or purported
4112 information shall be guilty of a felony of the third degree,
4113 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4114 (4) Any person who has been convicted of touting by any
4115 court, and the record of whose conviction on such charge is on
4116 file in the office of the ~~Florida~~ Division of Licensure of the
4117 Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of
4118 this state, or of the Federal Bureau of Investigation, or any
4119 person who has been ejected from any racetrack of this or any
4120 other state for touting or practices inimical to the public
4121 interest shall be excluded from all racetracks in this state and
4122 if such person returns to a racetrack he or she shall be guilty
4123 of a misdemeanor of the second degree, punishable as provided in
4124 s. 775.082 or s. 775.083. Any such person who refuses to leave
4125 such track when ordered to do so by inspectors of the ~~Florida~~
4126 Division of Licensure of the Department of Gaming Control ~~Pari-~~
4127 ~~mutuel Wagering~~ or by any peace officer, or by an accredited
4128 attache ~~attache~~ of a racetrack or association shall be guilty of
4129 a separate offense which shall be a misdemeanor of the second
4130 degree, punishable as provided in s. 775.083.



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4131 Section 80. Paragraph (g) of subsection (2) and subsections
4132 (4) and (16) of section 849.086, Florida Statutes, are amended
4133 to read:

4134 849.086 Cardrooms authorized.—

4135 (2) DEFINITIONS.—As used in this section:

4136 (g) "Division" means the Division of Licensure ~~Pari-mutuel~~
4137 ~~Wagering~~ of the Department of Gaming Control ~~Business and~~
4138 ~~Professional Regulation~~.

4139 (4) AUTHORITY OF DIVISION.—The division ~~of Pari-mutuel~~
4140 ~~Wagering of the Department of Business and Professional~~
4141 ~~Regulation~~ shall administer this section and regulate the
4142 operation of cardrooms under this section and the rules adopted
4143 pursuant thereto, and is hereby authorized to:

4144 (a) Adopt rules, including, but not limited to: the
4145 issuance of cardroom and employee licenses for cardroom
4146 operations; the operation of a cardroom; recordkeeping and
4147 reporting requirements; and the collection of all fees and taxes
4148 imposed by this section.

4149 (b) Conduct investigations and monitor the operation of
4150 cardrooms and the playing of authorized games therein.

4151 (c) Review the books, accounts, and records of any current
4152 or former cardroom operator.

4153 (d) Suspend or revoke any license or permit, after hearing,
4154 for any violation of the provisions of this section or the
4155 administrative rules adopted pursuant thereto.

4156 (e) Take testimony, issue summons and subpoenas for any
4157 witness, and issue subpoenas duces tecum in connection with any
4158 matter within its jurisdiction.

4159 (f) Monitor and ensure the proper collection of taxes and



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4160 fees imposed by this section. Permitholder internal controls are
4161 mandated to ensure no compromise of state funds. To that end, a
4162 roaming division auditor will monitor and verify the cash flow
4163 and accounting of cardroom revenue for any given operating day.

4164 (16) LOCAL GOVERNMENT APPROVAL.—The division may ~~of Pari-~~
4165 ~~mutuel Wagering shall~~ not issue any initial license under this
4166 section except upon proof in such form as the division may
4167 prescribe that the local government where the applicant for such
4168 license desires to conduct cardroom gaming has voted to approve
4169 such activity by a majority vote of the governing body of the
4170 municipality or the governing body of the county if the facility
4171 is not located in a municipality.

4172 Section 81. Section 849.094, Florida Statutes, is amended
4173 to read:

4174 849.094 Game promotion in connection with sale of consumer
4175 products or services.—

4176 (1) As used in this section, the term:

4177 (a) "Department" means the Department of Gaming Control.

4178 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a
4179 contest, game of chance, or gift enterprise, conducted within or
4180 throughout the state and other states in connection with the
4181 sale of consumer products or services, and in which the elements
4182 of chance and prize are present. However, the term does ~~"game~~
4183 ~~promotion"~~ shall not be construed to apply to bingo games
4184 conducted pursuant to s. 849.0931.

4185 (c) ~~(b)~~ "Operator" means any person, firm, corporation, or
4186 association or agent or employee thereof who ~~promotes,~~ operates,
4187 or conducts a game promotion to promote the sale of its consumer
4188 products or services, ~~except any charitable nonprofit~~



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4189 ~~organization.~~

4190 (2) It is unlawful for any operator:

4191 (a) To design, engage in, promote, or conduct such a game
4192 promotion, in connection with the promotion or sale of consumer
4193 products or services, wherein the winner may be predetermined or
4194 the game may be manipulated or rigged so as to:

4195 1. Allocate a winning game or any portion thereof to
4196 certain lessees, agents, or franchises; or

4197 2. Allocate a winning game or part thereof to a particular
4198 period of the game promotion or to a particular geographic area;

4199 (b) Arbitrarily to remove, disqualify, disallow, or reject
4200 any entry;

4201 (c) To fail to award any prizes offered;

4202 (d) To print, publish, or circulate literature or
4203 advertising material used in connection with such game
4204 promotions which is false, deceptive, or misleading; or

4205 (e) To require an entry fee, payment, or proof of purchase
4206 as a condition of entering a game promotion.

4207 (3) (a) The operator of a game promotion in which the total
4208 announced value of the prizes offered is greater than \$5,000
4209 shall file with the department ~~Department of Agriculture and~~
4210 ~~Consumer Services~~ a copy of the rules and regulations of the
4211 game promotion and a list of all prizes and prize categories
4212 offered at least 7 days before the commencement of the game
4213 promotion.

4214 (b) Each operator of a game promotion who provides
4215 electronic devices or computer terminals with video display
4216 monitors that reveal or display the results of a game promotion
4217 shall file with the department at least 7 days before



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4218 commencement of the game promotion a copy of the rules and
4219 regulations of the game promotion and a list of all prizes and
4220 prize categories offered. The filing shall include the physical
4221 location of each electronic device or computer terminal and a
4222 separate terminal fee pursuant to paragraph (12) (b) for each
4223 electronic device or computer terminal that is a component of
4224 the game promotion.

4225 (c) Once filed, the ~~Such~~ rules and regulations may not
4226 ~~thereafter~~ be changed, modified, or altered. The operator of a
4227 game promotion shall conspicuously post the rules and
4228 regulations of such game promotion in each ~~and every~~ retail
4229 outlet or place where such game promotion is ~~may be~~ played or
4230 participated in by the public and shall also publish the rules
4231 and regulations in all advertising copy used in connection with
4232 the game promotion ~~therewith~~. However, the ~~such~~ advertising copy
4233 need ~~only~~ include only the material terms of the rules and
4234 regulations if the advertising copy includes a website address,
4235 a toll-free telephone number, or a mailing address where the
4236 full rules and regulations may be viewed, heard, or obtained for
4237 the full duration of the game promotion. The ~~Such~~ disclosures
4238 must be legible. Radio and television announcements may indicate
4239 that the rules and regulations are available at retail outlets
4240 or from the operator of the promotion.

4241 (d) A nonrefundable filing fee of \$100 shall accompany each
4242 filing and shall be used to pay the costs incurred in
4243 administering and enforcing the provisions of this section.

4244 (e) The department may not accept a filing from any
4245 operator, person, firm, corporation, association, agent, or
4246 employee who has been found guilty of or entered a plea of nolo



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4247 contendere to, regardless of adjudication, or who fails to
4248 satisfy a judgment, for a violation of this section.

4249 (4) (a) Each ~~Every~~ operator of ~~such~~ a game promotion in
4250 which the total announced value of the prizes offered is greater
4251 than \$5,000 shall establish a trust account, in a national or
4252 state-chartered financial institution, with a balance equal to
4253 ~~sufficient to pay or purchase~~ the total value of all prizes
4254 offered. On a form supplied by the department ~~Department of~~
4255 ~~Agriculture and Consumer Services~~, an official of the financial
4256 institution holding the trust account shall provide ~~set forth~~
4257 the account number and dollar amount of the trust account, the
4258 identity of the entity or individual establishing the trust
4259 account, and the name of the game promotion for which the trust
4260 account has been established. The ~~Such~~ form shall be filed with
4261 the department ~~Department of Agriculture and Consumer Services~~
4262 at least 7 days before ~~in advance of~~ the commencement of the
4263 game promotion. In lieu of establishing a ~~such~~ trust account,
4264 the operator may obtain a surety bond from a surety authorized
4265 to do business in this state in an amount equal ~~equivalent~~ to
4266 the total value of all prizes offered in the promotion. The; ~~and~~
4267 ~~such~~ bond shall be filed with the department ~~Department of~~
4268 ~~Agriculture and Consumer Services~~ at least 7 days before ~~in~~
4269 ~~advance of~~ the commencement of the game promotion. Each operator
4270 of a game promotion who provides electronic devices or computer
4271 terminals with video display monitors that reveal or display the
4272 results of a game promotion shall obtain a surety bond in an
4273 amount equal to the total value of all prizes offered, and the
4274 bond shall be filed with the department at least 7 days before
4275 the commencement of the game promotion.



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4276 1. The moneys held in the trust account may be withdrawn in
4277 order to pay the prizes offered only upon certification to the
4278 department ~~Department of Agriculture and Consumer Services~~ of
4279 the name of the winner ~~or winners~~ and the amount and value of
4280 the prize ~~or prizes and the value thereof~~.

4281 2. If the operator of a game promotion obtains ~~has obtained~~
4282 a surety bond in lieu of establishing a trust account, the
4283 amount of the surety bond shall equal at all times the total
4284 amount of the prizes offered. The bond shall be in favor of the
4285 department for the use and benefit of any consumer who qualifies
4286 for the award of a prize under the rules and regulations of the
4287 game promotion but who does not receive the prize awarded, and
4288 shall be in effect until 30 days after filing the list of
4289 winners pursuant to subsection (5). The bond shall be applicable
4290 and liable only for the payment of the claims duly adjudicated
4291 by order of the department. The proceedings to adjudicate the
4292 claim shall be conducted in accordance with ss. 120.569 and
4293 120.57.

4294 (b) The department ~~Department of Agriculture and Consumer~~
4295 ~~Services~~ may waive the provisions of this subsection for any
4296 operator who has conducted game promotions in the state for ~~not~~
4297 ~~less than~~ 5 or more consecutive years and who has not had any
4298 civil, criminal, or administrative action instituted against him
4299 or her by the state or an agency of the state for violation of
4300 this section within that 5-year period. The department may
4301 revoke a waiver if it finds that an operator committed a
4302 violation of this section. Such waiver may be revoked upon the
4303 ~~commission of a violation of this section by such operator, as~~
4304 ~~determined by the Department of Agriculture and Consumer~~



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4305 ~~Services.~~

4306 (5) ~~Each~~ Every operator of a game promotion in which the
4307 total announced value of the prizes offered is greater than
4308 \$5,000 shall provide the ~~department~~ Department of Agriculture
4309 ~~and Consumer Services~~ with a certified list of the names and
4310 addresses of all persons, whether from this state or from
4311 another state, who have won prizes ~~that~~ which have a value of
4312 more than \$25, the value of ~~the~~ such prizes, and the dates when
4313 the prizes were won within 60 days after ~~the~~ such winners are
4314 ~~have been finally~~ determined. The date for the final
4315 determination of winners shall be 60 days after the ending date
4316 of the game promotion stated in the original filing required in
4317 subsection (3). The operator shall provide a copy of the list of
4318 winners, without charge, to any person who requests it or shall.
4319 ~~In lieu of the foregoing, the operator of a game promotion may,~~
4320 ~~at his or her option,~~ publish the same information about the
4321 winners in a ~~Florida~~ newspaper of general circulation in this
4322 state within 60 days after ~~the~~ such winners are ~~have been~~
4323 determined. If the operator publishes the list of winners in a
4324 newspaper, the operator ~~and~~ shall provide to the department
4325 ~~Department of Agriculture and Consumer Services~~ a certified copy
4326 of the publication containing the information about the winners.
4327 The operator of a game promotion is not required to notify a
4328 winner by mail or by telephone when the winner is already in
4329 possession of a game card from which the winner can determine
4330 that he or she has won a designated prize. All winning entries
4331 shall be held by the operator for ~~a period of~~ 90 days after the
4332 close or completion of the game.

4333 (6) The department ~~Department of Agriculture and Consumer~~



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4334 ~~Services~~ shall keep the certified list of winners for a period
4335 of ~~at least~~ 6 months after receipt of the certified list. The
4336 department thereafter may dispose of all records and lists.

4337 (7) An ~~No~~ operator may not ~~shall~~ force, directly or
4338 indirectly, a lessee, agent, or franchise dealer to purchase or
4339 participate in any game promotion. For the purpose of this
4340 section, coercion or force is ~~shall be~~ presumed in these
4341 circumstances in which a course of business extending over a
4342 period of 1 year or longer is materially changed coincident with
4343 a failure or refusal of a lessee, agent, or franchise dealer to
4344 participate in such game promotions. Such force or coercion is
4345 ~~shall further be~~ presumed when an operator advertises generally
4346 that game promotions are available at its lessee dealers or
4347 agent dealers.

4348 (8) (a) The department may adopt ~~Department of Agriculture~~
4349 ~~and Consumer Services shall have the power to promulgate such~~
4350 rules regulating and regulations respecting the operation of
4351 game promotions which are necessary to administer this section
4352 ~~as it may deem advisable.~~

4353 (b) If ~~Whenever~~ the department ~~Department of Agriculture~~
4354 ~~and Consumer Services~~ or the Department of Legal Affairs has
4355 reason to believe that a game promotion is being operated in
4356 violation of this section, it may bring an action in the circuit
4357 court of any judicial circuit in which the game promotion is
4358 being operated in the name and on behalf of the people of the
4359 state against any operator thereof to enjoin the continued
4360 operation of such game promotion anywhere within the state.

4361 (9) (a) Any person, firm, or corporation, or association or
4362 agent or employee thereof, who engages in any acts or practices



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4363 stated in this section to be unlawful, or who violates any of
4364 the rules adopted ~~and regulations made~~ pursuant to this section,
4365 commits ~~is guilty of~~ a misdemeanor of the second degree,
4366 punishable as provided in s. 775.082 or s. 775.083.

4367 (b) Any person, firm, corporation, association, agent, or
4368 employee who violates any provision of this section or any of
4369 the rules adopted ~~and regulations made~~ pursuant to this section
4370 is ~~shall be~~ liable for a civil penalty of not more than \$1,000
4371 for each such violation, which shall accrue to the state and may
4372 be recovered in a civil action brought by the department
4373 ~~Department of Agriculture and Consumer Services~~ or the
4374 Department of Legal Affairs.

4375 (10) ~~This section does not apply to actions or transactions~~
4376 ~~regulated by the Department of Business and Professional~~
4377 ~~Regulation or to the activities of nonprofit organizations or to~~
4378 ~~any other organization engaged in any enterprise other than the~~
4379 ~~sale of consumer products or services.~~ Subsections (3), (4),
4380 (5), (6), and (7) and paragraph (8) (a) and ~~any of the rules~~
4381 adopted ~~made~~ pursuant thereto do not apply to television or
4382 radio broadcasting companies licensed by the Federal
4383 Communications Commission.

4384 (11) Each operator of a game promotion who provides
4385 electronic devices or computer terminals with video display
4386 monitors that reveal or display the results of a game promotion
4387 shall:

4388 (a) File with the department, at least 7 days before the
4389 commencement of the game promotion, a certification from an
4390 independent testing laboratory that the electronic game
4391 promotion software:



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- 4392 1. Operates only games with a preconfigured finite pool or
4393 pools of entries;
- 4394 2. Provides an entrant with the ability to participate in
4395 the absence of a purchase;
- 4396 3. Does not distinguish an entrant who has made a purchase
4397 from one who has not, with respect to all advertised prizes; and
- 4398 4. Uses video displays that do not determine the result.
- 4399 5. Complies with subsection (2) of this section.
- 4400 (b) Post a sign inside the premise which shall include the
4401 following language in at least 26 point type: "The video
4402 displays are for amusement and entertainment only. The video
4403 displays do not determine the result of your game promotion
4404 entries."
- 4405 (c) Affix signage that shall include the following language
4406 in at least 10 point type on each piece of electronic equipment:
4407 "The video displays are for amusement and entertainment only.
4408 The video displays do not determine the result of your game
4409 promotion entries."
- 4410 (d) Pay to the department annually a nonrefundable terminal
4411 fee of \$100 per electronic device or computer terminal which
4412 shall be remitted by the department to the Department of Revenue
4413 for deposit into the General Revenue Fund.
- 4414 (12) Operators that provide electronic devices or computer
4415 terminals with video display monitors that reveal or display the
4416 results of a game promotion or electronic game promotion must
4417 limit the advertisement on the exterior of the premise to the
4418 consumer product or service sold on the premise, and that game
4419 promotions are offered in connection with the sale of the
4420 consumer product or service. No signs shall be posted on the



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4421 exterior of the premises that suggest gambling takes place on
4422 the premise or that displays any image commonly associated with
4423 slot machines.

4424 (13) Electronic devices or computer terminals with video
4425 display monitors that reveal or display the results of a game
4426 promotion may not dispense coins or currency.

4427 (14) This section does not allow the use of mechanical or
4428 electromechanical reels in connection with a game promotion.

4429 (15) Electronic devices or computer terminals with video
4430 display monitors that reveal or display the results of a game
4431 promotion that are in compliance with this section shall not be
4432 construed as a device as defined in ss. 551.102(8), 849.15, or
4433 849.16.

4434 (16) A county or municipality may adopt an ordinance, code,
4435 plan, rule, resolution, or other measure that further regulates
4436 an existing or future operator who provides electronic devices
4437 or computer terminals with video display monitors that reveal or
4438 display the results of a game promotion or electronic game
4439 promotion. A county or municipality may prohibit a future
4440 operator from providing electronic devices or computer terminals
4441 with video display monitors that reveal or display the results
4442 of a game promotion or electronic game promotion.

4443 Section 82. Subsection (1) of section 849.16, Florida
4444 Statutes, is amended to read:

4445 849.16 Machines or devices which come within provisions of
4446 law defined.—

4447 (1) Any machine or device or system or network of computers
4448 or other devices is a slot machine or device within the
4449 provisions of this chapter if it is one that is adapted for use



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4450 in such a way that, as a result of the insertion of any piece of
4451 money, coin, code, account number, credit, or other object or
4452 method of activation, such machine, ~~or~~ device, or system or
4453 network of computers or other devices is caused to operate or
4454 may be operated, whether directly or as the result of indirect
4455 remote activation, and if the user, by reason of any element of
4456 chance or of any other outcome of such operation unpredictable
4457 by him or her, may:

4458 (a) Receive or become entitled to receive any piece of
4459 money, credit, allowance, or thing of value, or any check, slug,
4460 token, or memorandum, whether of value or otherwise, which may
4461 be exchanged for any money, credit, allowance, or thing of value
4462 or which may be given in trade; or

4463 (b) Secure additional chances or rights to use such
4464 machine, apparatus, or device, even though it may, in addition
4465 to any element of chance or unpredictable outcome of such
4466 operation, also sell, deliver, or present some merchandise,
4467 indication of weight, entertainment, or other thing of value.

4468 Section 83. (1) It is the responsibility of the appropriate
4469 state agency and of the judicial branch to identify to the
4470 Department of Gaming Control, in the form and format prescribed
4471 by the department, persons owing an outstanding debt to any
4472 state agency, including, but not limited to, child support
4473 collected through a court, including spousal support or alimony
4474 for the spouse or former spouse of the obligor if the child
4475 support obligation is being enforced by the Department of
4476 Revenue, overpayments of unemployment compensation benefits,
4477 overpayment for food stamps or other entitlements, taxes, liens,
4478 judgments, or other payments. The department shall forward this



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4479 information to the destination resort and limited gaming
4480 licensees.

4481 (2) Any winnings of \$600 or more to any person having such
4482 an outstanding obligation shall be withheld by the licensee and
4483 forwarded by the licensee to the department for distribution to
4484 the agency claiming the debt. The department is authorized to
4485 issue payment of the winnings balance to the winner after
4486 deduction of the debt. If a winner owes multiple debts subject
4487 to offset under this subsection and the winnings is insufficient
4488 to cover all such debts, the amount of the winnings shall be
4489 transmitted first to the agency claiming that past due child
4490 support is owed. If a balance of the winnings remains after
4491 payment of past due child support, the balance shall be
4492 transmitted to other agencies claiming debts owed to the state,
4493 pro rata, based upon the ratio of the individual debt to the
4494 remaining debt owed to the state.

4495 (3) It is the responsibility of the licensee to ensure that
4496 the facilities-based computer system that the licensee uses for
4497 operational and accounting functions is specifically configured
4498 to ensure the requirements of this subsection are met.

4499 (4) It is the responsibility of the department to identify
4500 those persons specified under paragraph (1) as having such
4501 outstanding obligations and make any transmittals or payments as
4502 necessary.

4503 (5) The department may adopt rules pursuant to ss.
4504 120.536(1) and 120.54 to implement the provisions of this
4505 section, including the technical requirements of the facilities-
4506 based computer system.

4507 Section 84. Any referendum required in this act shall



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4508 include the following language:

4509 (1) Destination Resorts: SHOULD THE OPERATION OF
4510 DESTINATION RESORTS, AS DEFINED IN S. 551.302, BE AUTHORIZED IN
4511 [NAME OF COUNTY], SUBJECT TO A \$2 BILLION MINIMUM INVESTMENT?

4512 (2) Slot machine gaming at pari-mutuel facilities: SHOULD
4513 THE OPERATION OF SLOT MACHINES AT [NAME OF FACILITY IN COUNTY],
4514 BE AUTHORIZED IN [NAME OF COUNTY]?

4515 (3) Limited gaming at pari-mutuel facilities: SHOULD THE
4516 OPERATION OF LIMITED GAMING, AS DEFINED IN S. 551.302, AT [NAME
4517 OF FACILITY IN COUNTY], BE AUTHORIZED IN [NAME OF COUNTY]?

4518 Section 85. If any provision of this act or its application
4519 to any person or circumstance is held invalid, the invalidity
4520 does not affect other provisions or applications of this act
4521 which can be given effect without the invalid provision or
4522 application, and to this end the provisions of this act are
4523 severable.

4524 Section 86. Except as otherwise expressly provided in this
4525 act, this act shall take effect July 1, 2012.

4526
4527 ===== T I T L E A M E N D M E N T =====

4528 And the title is amended as follows:

4529 Delete everything before the enacting clause
4530 and insert:

4531 A bill to be entitled
4532 An act relating to gaming; amending s. 20.165, F.S.;
4533 deleting the Division of Pari-mutuel Wagering within
4534 the Department of Business and Professional
4535 Regulation; creating s. 20.318, F.S.; establishing the
4536 Department of Gaming Control; designating the State



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4537 Gaming Commission as head of the department; defining
4538 terms; specifying powers and duties of the department;
4539 authorizing the department to take testimony;
4540 authorizing the department to exclude persons from
4541 certain gaming establishments; authorizing the
4542 department to collect taxes and require compliance
4543 with reporting requirements for financial information;
4544 authorizing the department to conduct investigations
4545 and impose certain fines; authorizing the department
4546 to adopt rules; authorizing the department to contract
4547 with the Department of Law Enforcement for certain
4548 purposes; directing the department to contract with
4549 the Department of Revenue for tax collection and
4550 financial audit services; authorizing the Department
4551 of Revenue to assist in financial investigations of
4552 licensees and applicants for licenses; requiring the
4553 department to assist the Department of Revenue for the
4554 benefit of financially dependent children; authorizing
4555 the department to terminate certain deficient license
4556 applications and approve licenses; amending s. 24.123,
4557 F.S.; deleting the requirement for the certified
4558 public accountant to make recommendations concerning
4559 enhancements for earning for the state lottery;
4560 amending s. 120.80, F.S.; deleting certain exceptions
4561 and special requirements regarding hearings applicable
4562 to the Department of Business and Professional
4563 Regulation; creating certain exceptions and special
4564 requirements regarding hearings within the Department
4565 of Gaming Control; exempting the Destination Resort



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4566 Selection Committee from specified provisions of the
4567 Administrative Procedure Act; designating ss. 551.101-
4568 551.123, F.S., as pt. II of ch. 551, F.S., entitled
4569 "Slot Machines"; creating ss. 551.002-551.012, F.S.,
4570 as pt. I of ch. 551, F.S., entitled "State Gaming
4571 Commission"; creating s. 551.002, F.S.; providing
4572 definitions; creating s. 551.003, F.S.; creating the
4573 State Gaming Commission; providing for membership,
4574 terms, service, and compensation; providing for a
4575 chair and vice chair; providing that the chair is the
4576 administrative head of the commission; providing for a
4577 quorum, headquarters, and meetings; providing that the
4578 commission serves as the agency head for the
4579 department for purposes of the Administrative
4580 Procedure Act; providing that the executive director
4581 of the commission may serve as the agency head for the
4582 department for certain related purposes; creating s.
4583 551.004, F.S.; creating the State Gaming Commission
4584 Nominating Committee; providing for membership,
4585 organization, and responsibilities of the committee;
4586 providing procedures for nomination and appointment of
4587 members of the commission; creating s. 551.006, F.S.;
4588 providing for an executive director of the department;
4589 creating s. 551.007, F.S.; providing for the
4590 department to employ law enforcement officers or, by
4591 interagency agreement, the Department of Law
4592 Enforcement to enforce laws within its jurisdiction;
4593 creating s. 551.008, F.S.; providing for a code of
4594 ethics for the commission and its employees, including



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4595 restrictions following membership or employment;
4596 defining the terms "business entity" and "outside
4597 employment"; creating s. 551.009, F.S.; providing for
4598 disclosure of certain information by commission
4599 members, employees, and agents; prohibiting certain
4600 negotiations for employment by commission members,
4601 employees, and agents; prohibiting certain gifts;
4602 requiring reporting of bribe offers; creating s.
4603 551.011, F.S.; providing procedures relating to ex
4604 parte communications; providing for the Commission on
4605 Ethics to investigate complaints, report to the
4606 Governor, and enforce assessed penalties; requiring
4607 the Commission on Ethics to provide notice to a person
4608 alleged to have participated in an ex parte
4609 communication and allow that person to present a
4610 defense; providing penalties; creating s. 551.012,
4611 F.S.; providing penalties for violation of specified
4612 provisions by a commission member, employee, or agent;
4613 creating ss. 551.301-551.331, F.S., as pt. III of ch.
4614 551, F.S., entitled "Destination Resorts"; creating s.
4615 551.301, F.S.; providing a short title; creating s.
4616 551.302, F.S.; providing definitions; creating s.
4617 551.304, F.S.; specifying the powers of the
4618 commission, including the power to authorize gaming at
4619 a limited number of destination resorts, conduct
4620 investigations, issue subpoenas, take enforcement
4621 actions, and create an invitation to negotiate process
4622 to evaluate applications for a resort license;
4623 authorizing the commission to collect taxes,



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4624 assessments, fees, and penalties; specifying the
4625 jurisdiction and authority of the commission, the
4626 Department of Law Enforcement, and local law
4627 enforcement agencies to investigate criminal
4628 violations and enforce compliance with law; requiring
4629 the commission to revoke or suspend the license of a
4630 person who was unqualified at the time of licensure or
4631 who is no longer qualified to be licensed; creating s.
4632 551.305, F.S.; authorizing the commission to adopt
4633 rules relating to the types of gaming authorized,
4634 requirements for the issuance, renewal, revocation,
4635 and suspension of licenses, the disclosure of
4636 financial interests, procedures to test gaming
4637 equipment, procedures to verify gaming revenues and
4638 the collection of taxes, requirements for gaming
4639 equipment, procedures relating to a facilities-based
4640 computer system, bond requirements of resort
4641 licensees, the maintenance of records, procedures to
4642 calculate the payout percentages of slot machines,
4643 security standards, the scope and conditions for
4644 investigations and inspections into the conduct of
4645 limited gaming, the seizure of gaming equipment and
4646 records without notice or a warrant, employee drug-
4647 testing programs, and the payment of costs, fines, and
4648 application fees; authorizing the commission to adopt
4649 emergency rules; exempting the rules from specified
4650 provisions of the Administrative Procedure Act;
4651 creating s. 551.306, F.S.; preempting the regulation
4652 of limited gaming at a destination resort to the



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4653 state; creating s. 551.307, F.S.; restricting the
4654 award of resort licenses by the commission;
4655 authorizing participation in gaming at a licensed
4656 resort; creating s. 551.308, F.S.; requiring the
4657 commission to develop an invitation to negotiate
4658 process to award a resort license; providing criteria
4659 and procedures; creating s. 551.309, F.S.; specifying
4660 the criteria for evaluation of applications and award
4661 of a destination resort license; specifying events
4662 that disqualify an applicant from eligibility for a
4663 resort license; defining the term "conviction";
4664 creating s. 551.310, F.S.; providing for applications
4665 for a destination resort license; specifying the
4666 information that must be on or included with an
4667 application for a resort license; providing for
4668 collection of fingerprints; providing for application
4669 fees for a resort license to defray the costs of an
4670 investigation of the applicant; requiring the payment
4671 of application and licensing fees to be submitted with
4672 the application for a resort license; creating s.
4673 551.311, F.S.; providing that an incomplete
4674 application may be grounds for denial of the
4675 application; requiring the executive director to
4676 notify an applicant for a resort license if the
4677 application is incomplete; authorizing the applicant
4678 to have an informal conference with the executive
4679 director to discuss an incomplete application;
4680 authorizing the executive director to grant an
4681 extension to complete an application; providing for



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4682 the stay of the award of a resort license during an
4683 extension or an appeal to the commission of a finding
4684 by the executive director that an application is
4685 incomplete; creating s. 551.312, F.S.; exempting an
4686 institutional investor that is a qualifier for a
4687 resort licensee from certain application requirements
4688 under certain circumstances; requiring notice to the
4689 commission of any changes that may require a person to
4690 comply with the full application requirements;
4691 creating s. 551.313, F.S.; exempting lending
4692 institutions and underwriters from licensing
4693 requirements as a qualifier under certain
4694 circumstances; creating s. 551.3135, F.S.; authorizing
4695 limited gaming to be conducted at certain pari-mutuel
4696 facilities; requiring pari-mutuel facilities to comply
4697 with the application fees and background requirements
4698 for destination resorts; providing that limited gaming
4699 may not begin at a pari-mutuel facility until games
4700 begin at a destination resort; establishing guidelines
4701 for the gaming floor; creating s. 551.314, F.S.;
4702 specifying conditions for a licensee to maintain
4703 licensure; authorizing the department to adopt rules
4704 relating to approval of the licensee's computer
4705 system; requiring a segregated limited gaming floor;
4706 creating s. 551.315, F.S.; requiring that the licensee
4707 post a bond; authorizing the department to adopt rules
4708 relating to such bonds; creating s. 551.316, F.S.;
4709 specifying conditions for the conduct of limited
4710 gaming by a resort licensee; providing hours and days



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4711 of operation and the setting of minimum and maximum
4712 wagers; requiring the department to renew the license
4713 of a resort licensee or limited gaming licensee if the
4714 licensee satisfies specified conditions; creating s.
4715 551.317, F.S.; prohibiting certain acts; prohibiting
4716 cheating, the use of counterfeit devices, and fraud at
4717 a license facility; establishing criminal penalties
4718 for violations; creating s. 551.318, F.S.; specifying
4719 an annual fee for the renewal of a license; imposing
4720 gross receipts tax; providing for the deposit of
4721 funds; providing for a distribution of the fund to be
4722 distributed in three funds; providing timelines for
4723 the submission of gross receipts taxes; creating
4724 551.3185, F.S.; providing that unappropriated funds in
4725 a trust fund to be deposited in the General Revenue
4726 Fund; creating s. 551.319, F.S.; providing procedures
4727 for the submission and processing of fingerprints;
4728 providing that the cost of processing the fingerprints
4729 shall be borne by a licensee or applicant; requiring a
4730 person to report to the department certain pleas and
4731 convictions for disqualifying offenses; creating s.
4732 551.321, F.S.; requiring a person to have a supplier
4733 license to furnish certain goods and services to a
4734 resort licensee; providing for application; providing
4735 for license fees to be set by rule based on certain
4736 criteria; requiring fingerprinting; specifying persons
4737 who are ineligible for supplier licensure; specifying
4738 circumstances under which the department may deny or
4739 revoke a supplier license; authorizing the department



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4740 to adopt rules relating to the licensing of suppliers;
4741 requiring a supplier licensee to furnish a list of
4742 gaming devices and equipment to the department,
4743 maintain records, file quarterly returns, and affix
4744 its name to the gaming equipment and supplies that it
4745 offers; requiring that the supplier licensee annually
4746 report its inventory to the department; authorizing
4747 the department to suspend, revoke, or restrict a
4748 supplier license under certain circumstances;
4749 providing that the equipment of a supplier licensee
4750 which is used in unauthorized gaming will be forfeited
4751 to the county where the equipment is found; providing
4752 criminal penalties for a person who knowingly makes a
4753 false statement on an application for a supplier
4754 license; creating s. 551.3215, F.S.; requiring a
4755 person to have a manufacturer license to manufacture
4756 certain devices; providing for an application, license
4757 fees, and other requirements; creating s. 551.322,
4758 F.S.; requiring a person to have an occupational
4759 license to serve as a limited gaming employee of a
4760 resort licensee; requiring a person to apply to the
4761 department for an occupational license and pay an
4762 application fee; specifying information that an
4763 applicant must include in an application for an
4764 occupational license, including fingerprints;
4765 providing eligibility requirements; specifying grounds
4766 for the department to deny, suspend, revoke, or
4767 restrict an occupational license; authorizing training
4768 to be conducted at certain facilities; providing



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4769 criminal penalties for a person who knowingly makes a
4770 false statement on an application for an occupational
4771 license; creating s. 551.323, F.S.; authorizing the
4772 executive director of the department to issue a
4773 temporary occupational or temporary supplier license
4774 under certain circumstances; creating s. 551.325,
4775 F.S.; requiring the commission to file quarterly
4776 reports with the Governor, the President of the
4777 Senate, and the Speaker of the House of
4778 Representatives; creating s. 551.327, F.S.; providing
4779 procedures for the resolution of certain disputes
4780 between a resort licensee and a patron; requiring a
4781 resort licensee to notify the department of certain
4782 disputes; requiring a resort licensee to notify a
4783 patron of the right to file a complaint with the
4784 department regarding certain disputes; authorizing the
4785 department to investigate disputes and to order a
4786 resort licensee to make a payment to a patron;
4787 providing that gaming-related disputes may be resolved
4788 only by the department and are not under the
4789 jurisdiction of state courts; creating s. 551.328,
4790 F.S.; providing for the enforcement of credit
4791 instruments; authorizing a resort licensee to accept
4792 an incomplete credit instrument and to complete
4793 incomplete credit instruments under certain
4794 circumstances; providing that existence of a mental
4795 disorder is not a defense or a valid counterclaim in
4796 an action to enforce a credit instrument; authorizing
4797 the department to adopt rules prescribing the



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4798 conditions under which a credit instrument may be
4799 presented to a bank; creating s. 551.330, F.S.;
4800 requiring a resort licensee to train its employees
4801 about compulsive gambling; requiring the department to
4802 contract for direct services relating to the treatment
4803 of compulsive gambling; providing for the compulsive
4804 gambling treatment program to be funded from a
4805 regulatory fee imposed on licensees; creating s.
4806 551.331, F.S.; authorizing a person to request that
4807 the department exclude him or her from limited gaming
4808 facilities; providing for a form and contents of the
4809 form; providing that a self-excluded person who is
4810 found on a gaming floor may be arrested and prosecuted
4811 for criminal trespass; providing that a self-excluded
4812 person holds harmless the department and licensees
4813 from claims for losses and damages under certain
4814 circumstances; requiring the person to submit
4815 identification issued by the government; requiring the
4816 department to photograph the person requesting self-
4817 exclusion; amending s. 561.20, F.S.; exempting
4818 destination resorts or limited gaming licensees from
4819 certain limitations on the number of licenses to sell
4820 alcoholic beverages which may be issued; providing
4821 restrictions on a licensee issued such license;
4822 requiring an annual state license tax to be paid by a
4823 licensee for such license; providing for deposit of
4824 proceeds from the tax; preempting to the state the
4825 regulation of alcoholic beverages at destination
4826 resorts and limited gaming licensees; providing hours



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4827 and days alcoholic beverages may be sold at a resort
4828 or limited gaming licensee; directing the commission
4829 to adopt rules; providing recordkeeping requirements;
4830 amending s. 817.32, F.S.; providing that the
4831 fraudulent operation of a coin-operated device
4832 includes devices that operate upon the insertion of
4833 bills, tickets, tokens, or similar objects or upon any
4834 consideration; amending s. 817.33, F.S.; providing
4835 that the prohibition from manufacturing slugs or
4836 devices with the intent to cheat coin-operated devices
4837 includes devices that operate upon the insertion of
4838 bills, tickets, tokens, or similar objects or upon any
4839 consideration; amending s. 849.15, F.S.; authorizing
4840 slot machine gaming in a resort licensee or limited
4841 gaming licensee and the transportation of slot
4842 machines pursuant to federal law; exempting slot
4843 machine licensees from prohibitions relating to coin-
4844 operated devices; amending s. 849.231, F.S.; providing
4845 that a prohibition on gambling devices does not apply
4846 to slot machine licensees and resort or limited gaming
4847 licensees as authorized under specified provisions;
4848 transferring and reassigning certain functions and
4849 responsibilities, including records, personnel,
4850 property, and unexpended balances of appropriations
4851 and other resources, from the Division of Pari-mutuel
4852 Wagering of the Department of Business and
4853 Professional Regulation to the Department of Gaming
4854 Control; transferring certain trust funds from the
4855 Department of Business and Professional Regulation to



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4856 the Department of Gaming Control; amending s. 550.054,
4857 F.S.; requiring pari-mutuel permit holders to commence
4858 construction on a facility; providing that the
4859 department shall revoke a pari-mutuel permit if the
4860 permit holder has not conducted live races or games
4861 during the 2011 and 2012 calendar years; providing
4862 that no pari-mutuel permit may be issued after a
4863 specified date; amending s. 550.09515, F.S.; deleting
4864 the ability for an escheated pari-mutuel thoroughbred
4865 permit to be reissued; amending s. 551.101, F.S.;
4866 authorizing slot machine gaming at certain pari-mutuel
4867 facilities that have passed a referendum; amending s.
4868 551.102, F.S.; revising the definition of the term
4869 "eligible facility" as used in provisions relating to
4870 slot machines; conforming provisions to changes made
4871 by the act; amending s. 551.104, F.S.; providing for
4872 licensure for certain applicants; amending s. 551.106,
4873 F.S.; deleting expired terms; providing that the tax
4874 rate for slot machine licensees may be reduced when
4875 games begin to be offered by a destination resort;
4876 amending s. 551.118, F.S.; providing that the division
4877 shall contract for direct services related to
4878 compulsive and addictive gambling; requiring slot
4879 machine licensees to fund the compulsive and addictive
4880 gambling program through a fee; amending s. 849.094,
4881 F.S.; providing for the registration of electronic
4882 devices and computer terminals used to conduct
4883 electronic game promotions; establishing requirements
4884 for electronic game promotions; requiring



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4885 certification of game promotion software; prohibiting
4886 certain conduct; amending s. 849.16, F.S., to amend
4887 the definition of slot machine to include a system or
4888 network of computers or devices; requires the
4889 department to identify persons with outstanding child
4890 support or alimony debts to the agency claiming the
4891 debt; requires the department to withhold winnings
4892 over a specified amount from certain persons; requires
4893 the department to forward winnings to agencies
4894 claiming certain debts; provides ballot language for
4895 referendums; amending ss. 285.710, 550.002, 550.0251,
4896 550.135, 550.24055, 550.2415, 550.2625, 550.2704,
4897 550.902, 550.907, 551.103, 551.107, 551.108, 551.109,
4898 551.111, 551.112, 551.117, 551.119, 551.122, 551.123,
4899 565.02, 817.37, and 849.086, F.S.; correcting cross-
4900 references and conforming provisions to changes made
4901 by the act; providing for severabilit; providing an
4902 effective date.