

By the Committee on Regulated Industries; and Senator Bogdanoff

580-01687B-12

2012710c1

1                   A bill to be entitled  
2           An act relating to gaming; amending s. 20.165, F.S.;  
3           deleting the Division of Pari-mutuel Wagering within  
4           the Department of Business and Professional  
5           Regulation; creating s. 20.318, F.S.; establishing the  
6           Department of Gaming Control; designating the State  
7           Gaming Commission as head of the department; defining  
8           terms; specifying powers and duties of the department;  
9           authorizing the department to take testimony;  
10          authorizing the department to exclude persons from  
11          certain gaming establishments; authorizing the  
12          department to collect taxes and require compliance  
13          with reporting requirements for financial information;  
14          authorizing the department to conduct investigations  
15          and impose certain fines; authorizing the department  
16          to adopt rules; authorizing the department to contract  
17          with the Department of Law Enforcement for certain  
18          purposes; directing the department to contract with  
19          the Department of Revenue for tax collection and  
20          financial audit services; authorizing the Department  
21          of Revenue to assist in financial investigations of  
22          licensees and applicants for licenses; requiring the  
23          department to assist the Department of Revenue for the  
24          benefit of financially dependent children; authorizing  
25          the department to terminate certain deficient license  
26          applications and approve licenses; amending s. 120.80,  
27          F.S.; deleting certain exceptions and special  
28          requirements regarding hearings applicable to the  
29          Department of Business and Professional Regulation;

580-01687B-12

2012710c1

30 creating certain exceptions and special requirements  
31 regarding hearings within the Department of Gaming  
32 Control; exempting the Destination Resort Selection  
33 Committee from specified provisions of the  
34 Administrative Procedure Act; designating ss. 551.101-  
35 551.123, F.S., as part II of ch. 551, F.S., entitled  
36 "Slot Machines"; creating ss. 551.002-551.012, F.S.,  
37 as part I of ch. 551, F.S., entitled "State Gaming  
38 Commission"; creating s. 551.002, F.S.; providing  
39 definitions; creating s. 551.003, F.S.; creating the  
40 State Gaming Commission; providing for membership,  
41 terms, service, and compensation; providing for a  
42 chair and vice chair; providing that the chair is the  
43 administrative head of the commission; providing for a  
44 quorum, headquarters, and meetings; providing that the  
45 commission serves as the agency head for the  
46 department for purposes of the Administrative  
47 Procedure Act; providing that the executive director  
48 of the commission may serve as the agency head for the  
49 department for certain related purposes; creating s.  
50 551.004, F.S.; creating the State Gaming Commission  
51 Nominating Committee; providing for membership,  
52 organization, and responsibilities of the committee;  
53 providing procedures for nomination and appointment of  
54 members of the commission; creating s. 551.006, F.S.;  
55 providing for an executive director of the department;  
56 creating s. 551.007, F.S.; providing for the  
57 department to employ law enforcement officers or, by  
58 interagency agreement, the Department of Law

580-01687B-12

2012710c1

59 Enforcement to enforce laws within its jurisdiction;  
60 creating s. 551.008, F.S.; providing for a code of  
61 ethics for the commission and its employees, including  
62 restrictions following membership or employment;  
63 defining the terms "business entity" and "outside  
64 employment"; creating s. 551.009, F.S.; providing for  
65 disclosure of certain information by commission  
66 members, employees, and agents; prohibiting certain  
67 negotiations for employment by commission members,  
68 employees, and agents; prohibiting certain gifts;  
69 requiring reporting of bribe offers; creating s.  
70 551.011, F.S.; providing procedures relating to ex  
71 parte communications; providing for the Commission on  
72 Ethics to investigate complaints, report to the  
73 Governor, and enforce assessed penalties; requiring  
74 the Commission on Ethics to provide notice to a person  
75 alleged to have participated in an ex parte  
76 communication and allow that person to present a  
77 defense; providing penalties; creating s. 551.012,  
78 F.S.; providing penalties for violation of specified  
79 provisions by a commission member, employee, or agent;  
80 creating ss. 551.301-551.331, F.S., as part III of ch.  
81 551, F.S., entitled "Destination Resorts"; creating s.  
82 551.301, F.S.; providing a short title; creating s.  
83 551.302, F.S.; providing definitions; creating s.  
84 551.304, F.S.; specifying the powers of the  
85 commission, including the power to authorize gaming at  
86 a limited number of destination resorts, conduct  
87 investigations, issue subpoenas, take enforcement

580-01687B-12

2012710c1

88 actions, and create an invitation to negotiate process  
89 to evaluate applications for a resort license;  
90 authorizing the commission to collect taxes,  
91 assessments, fees, and penalties; specifying the  
92 jurisdiction and authority of the commission, the  
93 Department of Law Enforcement, and local law  
94 enforcement agencies to investigate criminal  
95 violations and enforce compliance with law; requiring  
96 the commission to revoke or suspend the license of a  
97 person who was unqualified at the time of licensure or  
98 who is no longer qualified to be licensed; creating s.  
99 551.305, F.S.; authorizing the commission to adopt  
100 rules relating to the types of gaming authorized,  
101 requirements for the issuance, renewal, revocation,  
102 and suspension of licenses, the disclosure of  
103 financial interests, procedures to test gaming  
104 equipment, procedures to verify gaming revenues and  
105 the collection of taxes, requirements for gaming  
106 equipment, procedures relating to a facilities-based  
107 computer system, bond requirements of resort  
108 licensees, the maintenance of records, procedures to  
109 calculate the payout percentages of slot machines,  
110 security standards, the scope and conditions for  
111 investigations and inspections into the conduct of  
112 limited gaming, the seizure of gaming equipment and  
113 records without notice or a warrant, employee drug-  
114 testing programs, and the payment of costs, fines, and  
115 application fees; authorizing the commission to adopt  
116 emergency rules; exempting the rules from specified

580-01687B-12

2012710c1

117 provisions of the Administrative Procedure Act;  
118 creating s. 551.306, F.S.; preempting the regulation  
119 of limited gaming at a destination resort to the  
120 state; creating s. 551.307, F.S.; restricting the  
121 award of resort licenses by the commission;  
122 authorizing participation in gaming at a licensed  
123 resort; creating s. 551.308, F.S.; requiring the  
124 commission to develop an invitation to negotiate  
125 process to award a resort license; providing criteria  
126 and procedures; creating s. 551.309, F.S.; specifying  
127 the criteria for evaluation of applications and award  
128 of a destination resort license; specifying events  
129 that disqualify an applicant from eligibility for a  
130 resort license; defining the term "conviction";  
131 creating s. 551.310, F.S.; providing for applications  
132 for a destination resort license; specifying the  
133 information that must be on or included with an  
134 application for a resort license; providing for  
135 collection of fingerprints; providing for application  
136 fees for a resort license to defray the costs of an  
137 investigation of the applicant; requiring the payment  
138 of application and licensing fees to be submitted with  
139 the application for a resort license; creating s.  
140 551.311, F.S.; providing that an incomplete  
141 application may be grounds for denial of the  
142 application; requiring the executive director to  
143 notify an applicant for a resort license if the  
144 application is incomplete; authorizing the applicant  
145 to have an informal conference with the executive

580-01687B-12

2012710c1

146 director to discuss an incomplete application;  
147 authorizing the executive director to grant an  
148 extension to complete an application; providing for  
149 the stay of the award of a resort license during an  
150 extension or an appeal to the commission of a finding  
151 by the executive director that an application is  
152 incomplete; creating s. 551.312, F.S.; exempting an  
153 institutional investor that is a qualifier for a  
154 resort licensee from certain application requirements  
155 under certain circumstances; requiring notice to the  
156 commission of any changes that may require a person to  
157 comply with the full application requirements;  
158 creating s. 551.313, F.S.; exempting lending  
159 institutions and underwriters from licensing  
160 requirements as a qualifier under certain  
161 circumstances; creating s. 551.3135, F.S.; authorizing  
162 limited gaming to be conducted at certain pari-mutuel  
163 facilities; requiring pari-mutuel facilities to comply  
164 with the application fees and background requirements  
165 for destination resorts; providing that limited gaming  
166 may not begin at a pari-mutuel facility until games  
167 begin at a destination resort; establishing guidelines  
168 for the gaming floor; creating s. 551.314, F.S.;  
169 specifying conditions for a licensee to maintain  
170 licensure; authorizing the department to adopt rules  
171 relating to approval of the licensee's computer  
172 system; requiring a segregated limited gaming floor;  
173 creating s. 551.315, F.S.; requiring that the licensee  
174 post a bond; authorizing the department to adopt rules

580-01687B-12

2012710c1

175 relating to such bonds; creating s. 551.316, F.S.;

176 specifying conditions for the conduct of limited

177 gaming by a resort licensee; providing hours and days

178 of operation and the setting of minimum and maximum

179 wagers; requiring the department to renew the license

180 of a resort licensee or limited gaming licensee if the

181 licensee satisfies specified conditions; creating s.

182 551.317, F.S.; prohibiting certain acts; prohibiting

183 cheating, the use of counterfeit devices, and fraud at

184 a license facility; establishing criminal penalties

185 for violations; creating s. 551.318, F.S.; specifying

186 an annual fee for the renewal of a license; imposing a

187 gross receipts tax; providing for the deposit of

188 funds; providing for distribution of the proceeds of

189 the gross receipts tax; providing timelines for the

190 submission of gross receipts taxes; creating s.

191 551.3185, F.S.; providing that unappropriated funds in

192 a trust fund to be deposited in the General Revenue

193 Fund; creating s. 551.319, F.S.; providing procedures

194 for the submission and processing of fingerprints;

195 providing that the cost of processing the fingerprints

196 shall be borne by a licensee or applicant; requiring a

197 person to report to the department certain pleas and

198 convictions for disqualifying offenses; creating s.

199 551.321, F.S.; requiring a person to have a supplier

200 license in order to furnish certain goods and services

201 to a resort licensee; providing for application;

202 providing for license fees to be set by rule based on

203 certain criteria; requiring fingerprinting; specifying

580-01687B-12

2012710c1

204 persons who are ineligible for supplier licensure;  
205 specifying circumstances under which the department  
206 may deny or revoke a supplier license; authorizing the  
207 department to adopt rules relating to the licensing of  
208 suppliers; requiring a supplier licensee to furnish a  
209 list of gaming devices and equipment to the  
210 department, maintain records, file quarterly returns,  
211 and affix its name to the gaming equipment and  
212 supplies that it offers; requiring that the supplier  
213 licensee annually report its inventory to the  
214 department; authorizing the department to suspend,  
215 revoke, or restrict a supplier license under certain  
216 circumstances; providing that the equipment of a  
217 supplier licensee which is used in unauthorized gaming  
218 will be forfeited to the county where the equipment is  
219 found; providing criminal penalties for a person who  
220 knowingly makes a false statement on an application  
221 for a supplier license; creating s. 551.3215, F.S.;  
222 requiring a person to have a manufacturer license in  
223 order to manufacture certain devices; providing for an  
224 application, license fees, and other requirements;  
225 creating s. 551.322, F.S.; requiring a person to have  
226 an occupational license to serve as a limited gaming  
227 employee of a resort licensee; requiring a person to  
228 apply to the department for an occupational license  
229 and pay an application fee; specifying information  
230 that an applicant must include in an application for  
231 an occupational license, including fingerprints;  
232 providing eligibility requirements; specifying grounds



580-01687B-12

2012710c1

233 for the department to deny, suspend, revoke, or  
234 restrict an occupational license; authorizing training  
235 to be conducted at certain facilities; providing  
236 criminal penalties for a person who knowingly makes a  
237 false statement on an application for an occupational  
238 license; creating s. 551.323, F.S.; authorizing the  
239 executive director of the department to issue a  
240 temporary occupational or temporary supplier license  
241 under certain circumstances; creating s. 551.325,  
242 F.S.; requiring the commission to file quarterly  
243 reports with the Governor, the President of the  
244 Senate, and the Speaker of the House of  
245 Representatives; creating s. 551.327, F.S.; providing  
246 procedures for the resolution of certain disputes  
247 between a resort licensee and a patron; requiring a  
248 resort licensee to notify the department of certain  
249 disputes; requiring a resort licensee to notify a  
250 patron of the right to file a complaint with the  
251 department regarding certain disputes; authorizing the  
252 department to investigate disputes and to order a  
253 resort licensee to make a payment to a patron;  
254 providing that gaming-related disputes may be resolved  
255 only by the department and are not under the  
256 jurisdiction of state courts; creating s. 551.328,  
257 F.S.; providing for the enforcement of credit  
258 instruments; authorizing a resort licensee to accept  
259 an incomplete credit instrument and to complete  
260 incomplete credit instruments under certain  
261 circumstances; providing that existence of a mental

580-01687B-12

2012710c1

262 disorder is not a defense or a valid counterclaim in  
263 an action to enforce a credit instrument; authorizing  
264 the department to adopt rules prescribing the  
265 conditions under which a credit instrument may be  
266 presented to a bank; creating s. 551.330, F.S.;

267 requiring a resort licensee to train its employees  
268 about compulsive gambling; requiring the department to  
269 contract for direct services relating to the treatment  
270 of compulsive gambling; providing for the compulsive  
271 gambling treatment program to be funded from a  
272 regulatory fee imposed on licensees; creating s.  
273 551.331, F.S.; authorizing a person to request that  
274 the department exclude him or her from limited gaming  
275 facilities; providing for a form and contents of the  
276 form; providing that a self-excluded person who is  
277 found on a gaming floor may be arrested and prosecuted  
278 for criminal trespass; providing that a self-excluded  
279 person holds harmless the department and licensees  
280 from claims for losses and damages under certain  
281 circumstances; requiring the person to submit  
282 identification issued by the government; requiring the  
283 department to photograph the person requesting self-  
284 exclusion; amending s. 561.20, F.S.; exempting  
285 destination resorts from certain limitations on the  
286 number of licenses to sell alcoholic beverages which  
287 may be issued; providing restrictions on a licensee  
288 issued such license; requiring an annual state license  
289 tax to be paid by a licensee for such license;  
290 providing for deposit of proceeds from the tax;

580-01687B-12

2012710c1

291 preempting to the state the regulation of alcoholic  
292 beverages at destination resorts and limited gaming  
293 licensees; providing hours and days alcoholic  
294 beverages may be sold at a resort or limited gaming  
295 licensee; directing the commission to adopt rules;  
296 providing recordkeeping requirements; amending s.  
297 817.32, F.S.; providing that the fraudulent operation  
298 of a coin-operated device includes devices that  
299 operate upon the insertion of bills, tickets, tokens,  
300 or similar objects or upon any consideration; amending  
301 s. 817.33, F.S.; providing that the prohibition from  
302 manufacturing slugs or devices with the intent to  
303 cheat coin-operated devices includes devices that  
304 operate upon the insertion of bills, tickets, tokens,  
305 or similar objects or upon any consideration; amending  
306 s. 849.15, F.S.; authorizing slot machine gaming in a  
307 resort licensee or limited gaming licensee and the  
308 transportation of slot machines pursuant to federal  
309 law; exempting slot machine licensees from  
310 prohibitions relating to coin-operated devices;  
311 amending s. 849.231, F.S.; providing that a  
312 prohibition on gambling devices does not apply to slot  
313 machine licensees and resort or limited gaming  
314 licensees as authorized under specified provisions;  
315 transferring and reassigning certain functions and  
316 responsibilities, including records, personnel,  
317 property, and unexpended balances of appropriations  
318 and other resources, from the Division of Pari-mutuel  
319 Wagering of the Department of Business and

580-01687B-12

2012710c1

320 Professional Regulation to the Department of Gaming  
321 Control; transferring certain trust funds from the  
322 Department of Business and Professional Regulation to  
323 the Department of Gaming Control; amending s. 550.054,  
324 F.S.; deleting provisions requiring that a  
325 permitholder complete 50 percent of the construction  
326 of a pari-mutuel facility within 12 months after voter  
327 approval of a permit; requiring that the Division of  
328 Licensure revoke a pari-mutuel permit if the  
329 permitholder has not conducted live races or games  
330 before a specified date; providing that a pari-mutuel  
331 permit may not be issued on or after a specified date;  
332 repealing s. 550.0745, F.S., relating to conversion of  
333 a pari-mutuel permit to a summer jai alai permit;  
334 amending s. 550.09515, F.S.; deleting the ability for  
335 an escheated pari-mutuel thoroughbred permit to be  
336 reissued; amending s. 551.101, F.S.; authorizing slot  
337 machine gaming at certain pari-mutuel facilities  
338 following voter approval of a referendum; amending s.  
339 551.102, F.S.; revising the definition of the term  
340 "eligible facility" as used in provisions relating to  
341 slot machines; conforming provisions to changes made  
342 by the act; amending s. 551.104, F.S.; providing for  
343 licensure of certain applicants; authorizing the  
344 issuance of a slot machine license to an eligible  
345 facility outside Miami-Dade County or Broward County;  
346 providing that such license does not authorize slot  
347 machine gaming or require payment of any license fees  
348 or regulatory fees before a specified date; amending

580-01687B-12

2012710c1

349 s. 551.106, F.S.; reducing the annual license fee for  
350 a slot machine license; reducing the tax rate on slot  
351 machine revenue; providing for calculating an annual  
352 pro rata share of a surcharge paid by slot machine  
353 licensees and resort licensees; amending s. 551.118,  
354 F.S.; requiring the division to contract for direct  
355 services related to compulsive and addictive gambling;  
356 requiring slot machine licensees to fund the  
357 compulsive and addictive gambling program through a  
358 fee; amending ss. 285.710, 550.002, 550.0251, 550.135,  
359 550.24055, 550.2415, 550.2625, 550.2704, 550.902,  
360 550.907, 551.103, 551.107, 551.108, 551.109, 551.111,  
361 551.112, 551.117, 551.119, 551.122, 551.123, 565.02,  
362 817.37, and 849.086, F.S.; correcting cross-references  
363 and conforming provisions to changes made by the act;  
364 amending s. 849.094, F.S.; providing for the  
365 registration of electronic devices and computer  
366 terminals used to conduct electronic game promotions;  
367 establishing requirements for electronic game  
368 promotions; requiring certification of game promotion  
369 software; prohibiting certain conduct; amending s.  
370 849.16, F.S.; revising the definition of a slot  
371 machine to include a system or network of computers or  
372 devices; requiring that agencies claiming outstanding  
373 debts or child support or alimony obligations identify  
374 persons owning such debts or obligations to the  
375 Department of Gaming Control; requiring that the  
376 department withhold winnings of more than a specified  
377 amount from such persons; requiring that the

580-01687B-12

2012710c1

378 department forward winnings to agencies claiming  
379 certain debts; requiring that the Department of Gaming  
380 Control adopt rules for collecting outstanding  
381 obligations; providing ballot language for  
382 referendums; providing that certain slot machine  
383 licensees may conduct limited gaming with a slot  
384 machine license; providing terms; providing for  
385 severability; providing effective dates.

386  
387 Be It Enacted by the Legislature of the State of Florida:

388

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

391 20.165 Department of Business and Professional Regulation.-  
392 There is created a Department of Business and Professional  
393 Regulation.

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

396 (a) Division of Administration.

397 (b) Division of Alcoholic Beverages and Tobacco.

398 (c) Division of Certified Public Accounting.

399 1. The director of the division shall be appointed by the  
400 secretary of the department, subject to approval by a majority  
401 of the Board of Accountancy.

402 2. The offices of the division shall be located in  
403 Gainesville.

404 (d) Division of Florida Condominiums, Timeshares, and  
405 Mobile Homes.

406 (e) Division of Hotels and Restaurants.

580-01687B-12

2012710c1

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

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

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

410 1. The director of the division shall be appointed by the  
411 secretary of the department, subject to approval by a majority  
412 of the Florida Real Estate Commission.

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

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

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

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

417 Section 2. Section 20.318, Florida Statutes, is created to  
418 read:

419 20.318 Department of Gaming Control.—There is created a  
420 Department of Gaming Control.

421 (1) GAMING COMMISSION.—The State Gaming Commission is the  
422 head of the Department of Gaming Control. The commission shall  
423 be responsible for appointing and removing the executive  
424 director and general counsel of the department.

425 (2) DIVISIONS.—The Department of Gaming Control shall  
426 consist of the following divisions:

427 (a) The Division of Enforcement.

428 (b) The Division of Licensure.

429 (c) The Division of Revenue and Audits.

430 (3) DEFINITIONS.—As used in this section, the term:

431 (a) "Commission" means the State Gaming Commission.

432 (b) "Department" means the Department of Gaming Control.

433 (c) "Gaming control" means any gaming activity, occupation,  
434 or profession regulated by the department.

435 (d) "License" means any permit, registration, certificate,

580-01687B-12

2012710c1

436 or license issued by the department.

437 (e) "Licensee" means any person issued a permit,  
438 registration, certificate, or license by the department.

439 (4) POWERS AND DUTIES.—

440 (a) The department shall adopt rules establishing a  
441 procedure for the renewal of licenses.

442 (b) The department shall submit an annual budget to the  
443 Legislature at a time and in the manner provided by law.

444 (c) The department shall adopt rules pursuant to ss.  
445 120.536(1) and 120.54 to administer the provisions of law  
446 conferring duties upon it.

447 (d) The department shall require an oath on application  
448 documents as required by rule, which oath must state that the  
449 information contained in the document is true and complete.

450 (e) The department shall adopt rules for the control,  
451 supervision, and direction of all applicants, permittees, and  
452 licensees and for the holding, conducting, and operating of any  
453 gaming establishment under the jurisdiction of the department in  
454 this state. The department shall have the authority to suspend a  
455 permit or license under the jurisdiction of the department if  
456 such permitholder or licensee has violated any provision of  
457 chapter 550, chapter 551, or chapter 849 or rules adopted by the  
458 department. Such rules must be uniform in their application and  
459 effect, and the duty of exercising this control and power is  
460 made mandatory upon the department.

461 (f) The department may take testimony concerning any matter  
462 within its jurisdiction and issue summons and subpoenas for any  
463 witness and subpoenas duces tecum in connection with any matter  
464 within the jurisdiction of the department under its seal and



580-01687B-12

2012710c1

465 signed by the executive director.

466 (g) In addition to the power to exclude certain persons  
467 from any pari-mutuel facility in this state, the department may  
468 exclude any person from any and all gaming establishments under  
469 the jurisdiction of the department in this state. The department  
470 may exclude from any gaming establishment under its jurisdiction  
471 within this state any person who has been ejected from a pari-  
472 mutuel facility or other gaming establishment in this state or  
473 who has been excluded from any pari-mutuel facility or other  
474 gaming establishment in another state by the governmental  
475 department, agency, commission, or authority exercising  
476 regulatory jurisdiction over such facilities in such other  
477 state. The department may authorize any person who has been  
478 ejected or excluded from establishments in this state or another  
479 state to enter such facilities in this state upon a finding that  
480 the attendance of such person would not be adverse to the public  
481 interest or to the integrity of the industry; however, this  
482 paragraph may not be construed to abrogate the common-law right  
483 of a pari-mutuel permitholder or a proprietor of a gaming  
484 establishment to exclude absolutely a patron in this state.

485 (h) The department may collect taxes and require compliance  
486 with reporting requirements for financial information as  
487 authorized by chapter 550, chapter 551, or chapter 849. In  
488 addition, the executive director of the department may require  
489 gaming establishments within its jurisdiction within the state  
490 to remit taxes, including fees, by electronic funds transfer.

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

493 (j) The department may impose an administrative fine for a

580-01687B-12

2012710c1

494 violation under chapter 550, chapter 551, or chapter 849 of not  
495 more than \$10,000 for each count or separate offense, except as  
496 otherwise provided in chapter 550, chapter 551, or chapter 849,  
497 and may suspend or revoke a permit, an operating license, or an  
498 occupational license for a violation under chapter 550, chapter  
499 551, or chapter 849. All fines imposed and collected under this  
500 paragraph must be deposited with the Chief Financial Officer to  
501 the credit of the General Revenue Fund.

502 (k) The department shall have sole authority and power to  
503 make, adopt, amend, or repeal rules relating to gaming  
504 operations, to enforce and to carry out the provisions of  
505 chapters 550 and 551 and to regulate authorized gaming  
506 activities in the state.

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

510 (m) The department shall contract with the Department of  
511 Revenue, through an interagency agreement, to perform the tax  
512 collection and financial audit services for the taxes required  
513 to be collected by entities licensed or regulated by chapter  
514 550, chapter 551, or chapter 849. The interagency agreement  
515 shall also allow the Department of Revenue to assist in any  
516 financial investigations of licensees or applications for  
517 licenses by the Department of Gaming Control or law enforcement  
518 agencies.

519 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department  
520 shall work cooperatively with the Department of Revenue to  
521 implement an automated method for periodically disclosing  
522 information relating to current licensees to the Department of

580-01687B-12

2012710c1

523 Revenue. The purpose of this subsection is to promote the public  
524 policy of this state as established in s. 409.2551. The  
525 department shall, when directed by the court or the Department  
526 of Revenue pursuant to s. 409.2598, suspend or deny the license  
527 of any licensee found not to be in compliance with a support  
528 order, subpoena, order to show cause, or written agreement  
529 entered into by the licensee with the Department of Revenue. The  
530 department shall issue or reinstate the license without  
531 additional charge to the licensee when notified by the court or  
532 the Department of Revenue that the licensee has complied with  
533 the terms of the support order. The department is not liable for  
534 any license denial or suspension resulting from the discharge of  
535 its duties under this subsection.

536 (6) LICENSING.—The department may:

537 (a) Close and terminate deficient license application files  
538 2 years after the department notifies the applicant of the  
539 deficiency.

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

542 Section 3. Subsection (4) of section 120.80, Florida  
543 Statutes, is amended, and subsections (19) and (20) are added to  
544 that section, to read:

545 120.80 Exceptions and special requirements; agencies.—

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

547 ~~(a) Business regulation.—The Division of Pari-mutuel~~  
548 ~~Wagering is exempt from the hearing and notice requirements of~~  
549 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~  
550 ~~boards of judges when the hearing is to be held for the purpose~~  
551 ~~of the imposition of fines or suspensions as provided by rules~~

580-01687B-12

2012710c1

552 ~~of the Division of Pari-mutuel Wagering, but not for~~  
553 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~  
554 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~  
555 ~~alternative procedures, including a hearing upon reasonable~~  
556 ~~notice, for the following violations:~~

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

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

561 ~~3. Maintaining or possessing any device which could be used~~  
562 ~~for the injection or other infusion of a prohibited drug to~~  
563 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
564 ~~550.~~

565 ~~4. Suspensions under reciprocity agreements between the~~  
566 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~  
567 ~~other states.~~

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

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

571 ~~(b) Professional regulation.~~ Notwithstanding s.

572 120.57(1)(a), formal hearings may not be conducted by the  
573 Secretary of Business and Professional Regulation or a board or  
574 member of a board within the Department of Business and  
575 Professional Regulation for matters relating to the regulation  
576 of professions, as defined by chapter 455.

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

578 (a) The department is exempt from the hearing and notice  
579 requirements of ss. 120.569 and 120.57(1)(a) as applied to  
580 stewards, judges, and boards of judges if the hearing is to be

580-01687B-12

2012710c1

581 held for the purpose of the imposition of fines or suspension as  
582 provided by rules of the department, but not for revocations,  
583 and only to consider violations described in subparagraphs  
584 (b)1.-6.

585 (b) The department shall adopt rules establishing  
586 alternative procedures, including a hearing upon reasonable  
587 notice, for the following:

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

590 2. Application and administration of drugs and medication  
591 to a horse, greyhound, or jai alai player in violation of  
592 chapter 550.

593 3. Maintaining or possessing any device that could be used  
594 for the injection or other infusion of a prohibited drug into a  
595 horse, greyhound, or jai alai player in violation of chapter  
596 550.

597 4. Suspensions under reciprocity agreements between the  
598 department and regulatory agencies of other states.

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

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

602 (20) STATE GAMING COMMISSION.—

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

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

607 (c) Notwithstanding s. 120.542, the State Gaming Commission  
608 may not accept a petition for waiver or variance and may not  
609 grant any waiver or variance from the requirements of part III

580-01687B-12

2012710c1

610 of chapter 551.

611 Section 4. Chapter 551, Florida Statutes, consisting of  
612 sections 551.101 through 551.123, is designated as part II of  
613 that chapter and entitled "Slot Machines"; part I of that  
614 chapter, consisting of sections 551.002 through 551.012, as  
615 created by this act, is entitled "State Gaming Commission"; and  
616 part III of that chapter, consisting of sections 551.301 through  
617 551.331, as created by this act, is entitled "Destination  
618 Resorts."

619 Section 5. Section 551.002, Florida Statutes, is created to  
620 read:

621 551.002 Definitions.—As used in this chapter, the term:

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

624 (a) Controls, is controlled by, or is under common control  
625 of;

626 (b) Is in a partnership or joint venture relationship with;  
627 or

628 (c) Is a shareholder of a corporation, a member of a  
629 limited liability company, or a partner in a limited liability  
630 partnership with, an applicant for a resort license or a resort  
631 licensee.

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

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

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

580-01687B-12

2012710c1

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

643 (b) The acceptance of any form of compensation from a  
644 source other than the commission for any services rendered as  
645 part of the official duties of the member, employee, or agent of  
646 the commission.

647 (c) Participation in any business transaction with or  
648 before the commission in which the member, employee, or agent of  
649 the commission, or the parent, spouse, or child of a member,  
650 employee, or the agent, has a financial interest.

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

652 (6) "Division" means the Division of Licensure of the  
653 department.

654 (7) "Executive director" means the executive director of  
655 the department.

656 (8) "Financial interest" or "financially interested" means  
657 any interest in investments or awarding of contracts, grants,  
658 loans, purchases, leases, sales, or similar matters under  
659 consideration or consummated by the commission or the  
660 department, or ownership in an applicant or a licensee. A  
661 member, employee, or agent of the commission is deemed to have a  
662 financial interest in a matter if:

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

667 (b) The individual is employed by or is an independent

580-01687B-12

2012710c1

668 contractor for a party to a matter under consideration by the  
669 commission or the department.

670 Section 6. Section 551.003, Florida Statutes, is created to  
671 read:

672 551.003 State Gaming Commission; creation and membership.-

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

674 The commission shall be composed of seven members who are  
675 residents of the state and who have experience in corporate  
676 finance, tourism, convention and resort management, gaming,  
677 investigation or law enforcement, business law, or related legal  
678 experience. The members of the commission shall serve as the  
679 agency head of the commission. The commission is exempt from the  
680 provisions of s. 20.052.

681 (2) MEMBERS.-Each member shall be appointed to a 4-year  
682 term. However, for the purpose of providing staggered terms, of  
683 the initial appointments, three members shall be appointed to 2-  
684 year terms and four members shall be appointed to 4-year terms.  
685 Terms expire on June 30. Upon the expiration of the term of a  
686 commissioner, a successor shall be appointed in the same manner  
687 as the original appointment to serve for a 4-year term. A  
688 commissioner whose term has expired shall continue to serve on  
689 the commission until such time as a replacement is appointed. If  
690 a vacancy on the commission occurs before the expiration of the  
691 term, it shall be filled for the unexpired portion of the term  
692 in the same manner as the original appointment.

693 (a)1.a. One member of the commission must be a certified  
694 public accountant licensed in this state who possesses at least  
695 5 years of experience in general accounting. The member must  
696 also possess a comprehensive knowledge of the principles and



580-01687B-12

2012710c1

697 practices of corporate finance or auditing, general finance,  
698 gaming, or economics.

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

701 2. When making appointments to the commission, the Governor  
702 shall announce the classification by experience of the person  
703 appointed.

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

706 1. Is an elected state official;

707 2. Is licensed by the commission or is an officer of, has a  
708 financial interest in, or has a direct or indirect contractual  
709 relationship with any applicant for a resort license or resort  
710 licensee;

711 3. Is related to any person within the second degree of  
712 consanguinity of affinity who is an applicant for a license or  
713 awarded a license by the commission or regulated by the  
714 department; or

715 4. Has, within the 10 years preceding his or her  
716 appointment, been under indictment for, convicted of, pled  
717 guilty or nolo contendere to, or forfeited bail for a felony or  
718 a misdemeanor involving gambling or fraud under the laws of this  
719 or any other state or the United States.

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

723 (3) CHAIR AND VICE CHAIR.—

724 (a) The chair shall be appointed by the Governor. The vice  
725 chair of the commission shall be elected by the members of the

580-01687B-12

2012710c1

726 commission during the first meeting of the commission on or  
727 after July 1 of each year. The chair shall be the administrative  
728 head of the commission. The chair shall set the agenda for each  
729 meeting. The chair shall approve all notices, vouchers,  
730 subpoenas, and reports as required by law. The chair shall  
731 preserve order and decorum and shall have general control of the  
732 commission meetings. The chair shall decide all questions of  
733 order. The chair may name any member of the commission to  
734 perform the duties of the chair for a meeting if such  
735 substitution does not extend beyond that meeting.

736 (b) If for any reason the chair is absent and fails to name  
737 a member, the vice chair shall assume the duties of the chair  
738 during the chair's absence. On the death, incapacitation, or  
739 resignation of the chair, the vice chair shall perform the  
740 duties of the office until the Governor appoints a successor.

741 (c) The administrative responsibilities of the chair are to  
742 plan, organize, and control administrative support services for  
743 the commission. Administrative functions include, but are not  
744 limited to, finance and accounting, revenue accounting,  
745 personnel, and office services.

746 (4) QUORUM.—Four members of the commission constitute a  
747 quorum.

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

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

580-01687B-12

2012710c1

755       (7) AGENCY HEAD.—The commission shall serve as the agency  
756 head of the department for purposes of chapter 120. The  
757 executive director of the commission may serve as the agency  
758 head for purposes of final agency action under chapter 120 for  
759 all areas within the regulatory authority delegated to the  
760 executive director's office.

761       Section 7. Effective upon this act becoming a law, section  
762 551.004, Florida Statutes, is created to read:

763       551.004 State Gaming Commission Nominating Committee.—

764       (1) (a) There is created a State Gaming Commission  
765 Nominating Committee consisting of six members. Three members of  
766 the committee shall be members of the House of Representatives,  
767 one of whom shall be a member of the minority party, who shall  
768 be appointed by and serve at the pleasure of the Speaker of the  
769 House of Representatives. Three members of the committee shall  
770 be members of the Senate, one of whom shall be a member of the  
771 minority party, who shall be appointed by and serve at the  
772 pleasure of the President of the Senate. Initial appointments  
773 under this section shall be made within 10 days after the  
774 effective date of this section.

775       (b) The members shall serve 2-year terms concurrent with  
776 the 2-year elected terms of House of Representatives members,  
777 except that the initial members shall serve until the end of  
778 their elected terms. Members may be appointed to two 2-year  
779 terms. Vacancies on the committee shall be filled for the  
780 unexpired portion of the term in the same manner as original  
781 appointments to the committee.

782       (c) The President of the Senate shall appoint the chair of  
783 the committee in even-numbered years and the vice chair in odd-

580-01687B-12

2012710c1

784 numbered years, and the Speaker of the House of Representatives  
785 shall appoint the chair of the committee in odd-numbered years  
786 and the vice chair in even-numbered years, from among the  
787 council membership.

788 (2) A member of the committee shall serve at the pleasure  
789 of the presiding officer who appointed the member and may not  
790 create the appearance of impropriety.

791 (3) A majority of the membership of the committee may  
792 conduct any business before the committee. All meetings and  
793 proceedings of the committee shall be staffed by the Office of  
794 Legislative Services and shall be subject to ss. 119.07 and  
795 286.011. Members of the committee are entitled to receive per  
796 diem and travel expenses as provided in s. 112.061. Applicants  
797 invited for interviews before the committee may, at the  
798 discretion of the committee, receive per diem and travel  
799 expenses as provided in s. 112.061. The committee shall  
800 establish policies and procedures to govern the process by which  
801 applicants for appointment to the commission are nominated.

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

804 (b) For initial selection of an executive director for the  
805 Department of Gaming Control, the committee may advertise and  
806 receive applications for employment as the executive director.  
807 The committee shall provide the commission with all applications  
808 received.

809 (5) A person may not be nominated to the Governor for  
810 appointment to the commission until the committee has determined  
811 that the person is competent and knowledgeable in one or more  
812 fields as specified in s. 551.003 and the requirements for

580-01687B-12

2012710c1

813 appointees under s. 551.003 are met.

814 (6) It is the responsibility of the committee to nominate  
815 to the Governor no fewer than three persons for each vacancy  
816 occurring on the commission. The committee shall submit  
817 recommendations for the initial appointments to the commission  
818 to the Governor within 60 days after the effective date of this  
819 section. Thereafter, the committee shall submit the  
820 recommendations to the Governor by March 15 of those years in  
821 which the terms are to begin the following July, or within 60  
822 days after a vacancy occurs for any reason other than the  
823 expiration of the term.

824 (7) The Governor shall, pursuant to this section and s.  
825 551.003, make initial appointments to the commission within 60  
826 days after receiving the recommended nominees under this section  
827 and fill any vacancy occurring on the commission by appointment  
828 of one of the applicants nominated by the committee. An  
829 appointment may be made only after a background investigation of  
830 such applicant has been conducted by the Department of Law  
831 Enforcement.

832 (8) Members of the commission shall be appointed by the  
833 Governor and, notwithstanding s. 114.05(1)(e) and (f), shall be  
834 subject to confirmation by the Senate under the following  
835 conditions. The Senate may consider the appointment during the  
836 regular session immediately following the effective date of the  
837 appointment or during any subsequent regular or special session  
838 during the term of the member. The Senate may confirm or refuse  
839 to confirm the appointment during any regular or special  
840 session.

841 (9) When the Governor makes an appointment to fill a

580-01687B-12

2012710c1

842 vacancy occurring due to expiration of the term, and that  
843 appointment has not been confirmed by the Senate before the  
844 appointing Governor's term ends, a successor Governor may,  
845 within 30 days after taking office, recall the appointment and,  
846 prior to the first day of the next regular session, make a  
847 replacement appointment from the list provided to the previous  
848 Governor by the committee. Such an appointment is subject to  
849 confirmation by the Senate pursuant to subsection (8).

850 Section 8. Section 551.006, Florida Statutes, is created to  
851 read:

852 551.006 Executive director.—The chair of the commission  
853 shall, pursuant to s. 20.05, appoint the executive director of  
854 the department. The commission shall, pursuant to s. 20.05,  
855 remove the executive director of the department by a majority  
856 vote. An interim executive director shall be appointed within 10  
857 days after the initial meeting of the commission.

858 (1) The executive director:

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

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

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

862 and

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

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

868 1. A resort licensee or supplier licensee;

869 2. An applicant for a resort license or an applicant for a  
870 similar license in another jurisdiction;

580-01687B-12

2012710c1

- 871       3. An entity licensed to operate a gaming facility in  
872 another state;
- 873       4. A pari-mutuel gaming facility licensed to operate in  
874 this state; or
- 875       5. A tribal gaming facility within this state.

876       (b) Notwithstanding paragraph (a), a person may be employed  
877 by the commission if the commission finds that the person's  
878 former interest in any licensee will not interfere with the  
879 objective discharge of the person's employment obligations.  
880 However, a person may not be employed by the commission if:

- 881       1. The person's interest in an applicant, licensee, or  
882 tribal facility constituted a controlling interest; or
- 883       2. The person or the person's spouse, parent, child,  
884 child's spouse, or sibling is a member of the commission, or a  
885 director of, or a person financially interested in, an applicant  
886 or a licensee.

887       Section 9. Section 551.007, Florida Statutes, is created to  
888 read:

889       551.007 Law enforcement.—

890       (1) The department may employ sworn law enforcement  
891 officers meeting the qualifications and certification  
892 requirements under paragraph (a), and hire and train personnel  
893 to be employed as sworn law enforcement officers, to enforce any  
894 criminal law, conduct any criminal investigation, or enforce any  
895 statute within the jurisdiction of the department.

896       (a) Each law enforcement officer must meet the  
897 qualifications for law enforcement officers under s. 943.13 and  
898 must be certified as a law enforcement officer by the Department  
899 of Law Enforcement. Upon certification, each law enforcement

580-01687B-12

2012710c1

900 officer is subject to and has the authority provided to law  
901 enforcement officers generally under chapter 901 and has  
902 statewide jurisdiction.

903 (b) Each law enforcement officer has arrest authority as  
904 provided for state law enforcement officers under s. 901.15, and  
905 full law enforcement powers granted to other officers of this  
906 state, including the authority to make arrests, carry firearms,  
907 serve court process, and seize contraband and proceeds from  
908 illegal activities.

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

912 (2) The department may also, by interagency agreement,  
913 employ the Department of Law Enforcement to enforce any criminal  
914 law, conduct any criminal investigation, or enforce any statute  
915 within the jurisdiction of the commission or the department.

916 Section 10. Section 551.008, Florida Statutes, is created  
917 to read:

918 551.008 Code of ethics.-

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

921 (2) A member of the commission or the executive director  
922 may not hold a direct or indirect interest in, be employed by,  
923 or enter into a contract for services with an applicant or  
924 person licensed by the commission for a period of 3 years after  
925 the date of termination of the person's membership on or  
926 employment with the commission.

927 (3) An employee of the commission may not acquire a direct  
928 or indirect interest in, be employed by, or enter into a



580-01687B-12

2012710c1

929 contract for services with an applicant or person licensed by  
930 the commission for a period of 3 years after the date of  
931 termination of the person's employment with the commission.

932 (4) A commission member or a person employed by the  
933 commission may not represent a person or party other than the  
934 state before or against the commission for a period of 3 years  
935 after the date of termination of the member's term of office or  
936 the employee's period of employment with the commission.

937 (5) A business entity in which a former commission member,  
938 employee, or agent has an interest, or any partner, officer, or  
939 employee of that business entity, may not appear before or  
940 represent another person before the commission if the former  
941 commission member, employee, or agent would be prohibited from  
942 doing so. As used in this subsection, the term "business entity"  
943 means a corporation, limited liability company, partnership,  
944 limited liability partnership association, trust, or other form  
945 of legal entity.

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

948 (a) Use the person's official authority or influence for  
949 the purpose of interfering with or affecting the result of an  
950 election;

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

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

955 1. Applying for any compensation, grant, contract, ruling,  
956 license, permit, or certificate pending before the commission;  
957 or

580-01687B-12

2012710c1

958       2. The subject of or a participant in an ongoing audit,  
959 investigation, or enforcement action being carried out by the  
960 commission.

961       (7) A former member, employee, or agent of the commission  
962 may appear before the commission as a witness testifying as to  
963 factual matters or actions handled by the former member,  
964 employee, or agent during his or her tenure with the commission.  
965 However, the former member, employee, or agent of the commission  
966 may not receive compensation for the appearance other than a  
967 standard witness fee and reimbursement for travel expenses as  
968 established by statute or rules governing administrative  
969 proceedings before the Division of Administrative Hearings.

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

972       (b) An employee or agent of the commission granted  
973 permission for outside employment may not conduct any business  
974 or perform any activities, including solicitation, related to  
975 outside employment on premises used by the commission or during  
976 the employee's working hours for the commission.

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

979       1. Operating a proprietorship;

980       2. Participating in a partnership or group business  
981 enterprise; or

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

984       (9) A member, employee, or agent of the commission may not  
985 participate in or wager on any game conducted by any resort  
986 licensee or applicant or any affiliate of a licensee or

580-01687B-12

2012710c1

987 applicant regulated by the commission in this state or in any  
988 other jurisdiction, except as required as part of the person's  
989 surveillance, security, or other official duties.

990 Section 11. Section 551.009, Florida Statutes, is created  
991 to read:

992 551.009 Disclosures by commissioners, employees, and  
993 agents.—

994 (1) COMMISSIONERS.—

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

997 (b) Each member must disclose information required by rules  
998 of the commission to ensure the integrity of the commission and  
999 its work.

1000 (c) By January 1 of each year, each member must file a  
1001 statement with the commission:

1002 1. Affirming that neither the member, nor the member's  
1003 spouse, parent, child, or child's spouse, is a member of the  
1004 board of directors of, financially interested in, or employed by  
1005 an applicant or resort licensee.

1006 2. Affirming that the member is in compliance with part III  
1007 and the rules of the department.

1008 3. Disclosing any legal or beneficial interest in real  
1009 property that is or may be directly or indirectly involved with  
1010 activities or persons regulated by the commission.

1011 (d) Each member must disclose involvement with any gaming  
1012 interest in the 3 years preceding appointment as a member.

1013 (2) EMPLOYEES AND AGENTS.—

1014 (a) The executive director and each managerial employee and  
1015 agent, as determined by the commission, must file a financial

580-01687B-12

2012710c1

1016 disclosure statement pursuant to s. 112.3145. All employees and  
1017 agents must comply with the provisions of chapter 112.

1018 (b) The executive director and each managerial employee and  
1019 agent identified by rule of the department must disclose  
1020 information required by rules of the department to ensure the  
1021 integrity of the commission and its work.

1022 (c) By January 31 of each year, each employee and agent of  
1023 the commission must file a statement with the commission:

1024 1. Affirming that neither the employee, nor the employee's  
1025 spouse, parent, child, or child's spouse, is financially  
1026 interested in or employed by an applicant or licensee.

1027 2. Affirming that the person does not have any financial  
1028 interest prohibited by laws or rules administered by the  
1029 department.

1030 3. Disclosing any legal or beneficial interest in real  
1031 property that is or may be directly or indirectly involved with  
1032 activities or persons regulated by the commission.

1033 (d) Each employee or agent of the commission must disclose  
1034 involvement with any gaming interest during the 3 years before  
1035 employment.

1036 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

1037 (a) A member, employee, or agent of the commission who  
1038 becomes aware that the member, employee, or agent of the  
1039 commission or his or her spouse, parent, or child is a member of  
1040 the board of directors of, financially interested in, or  
1041 employed by an applicant or licensee must immediately provide  
1042 detailed written notice to the chair.

1043 (b) A member, employee, or agent of the commission must  
1044 immediately provide detailed written notice of the circumstances

580-01687B-12

2012710c1

1045 to the chair if the member, employee, or agent is indicted,  
1046 charged with, convicted of, pleads guilty or nolo contendere to,  
1047 or forfeits bail for:

1048 1. A misdemeanor involving gambling, dishonesty, theft, or  
1049 fraud;

1050 2. A violation of any law in any state, or a law of the  
1051 United States or any other jurisdiction, involving gambling,  
1052 dishonesty, theft, or fraud which substantially corresponds to a  
1053 misdemeanor in this state; or

1054 3. A felony under the laws of this or any other state, the  
1055 United States, or any other jurisdiction.

1056 (c) A member, employee, or agent of the commission who is  
1057 negotiating for an interest in a licensee or an applicant, or is  
1058 affiliated with such a person, must immediately provide written  
1059 notice of the details of the interest to the chair. The member,  
1060 employee, or agent of the commission may not act on behalf of  
1061 the commission with respect to that person.

1062 (d) A member, employee, or agent of the commission may not  
1063 enter into negotiations for employment with any person or  
1064 affiliate of any person who is an applicant, licensee, or  
1065 affiliate. If a member, employee, or agent of the commission  
1066 enters into negotiations for employment in violation of this  
1067 paragraph or receives an invitation, written or oral, to  
1068 initiate a discussion concerning employment with any person who  
1069 is a licensee, applicant, or affiliate, he or she must  
1070 immediately provide written notice of the details of any such  
1071 negotiations or discussions to the chair. The member, employee,  
1072 or agent of the commission may not take any action on behalf of  
1073 the commission with respect to that licensee or applicant.

580-01687B-12

2012710c1

1074       (e) A licensee or applicant may not knowingly initiate a  
1075 negotiation for, or discussion of, employment with a member,  
1076 employee, or agent of the commission. A licensee or applicant  
1077 who initiates a negotiation or discussion about employment shall  
1078 immediately provide written notice of the details of the  
1079 negotiation or discussion to the chair as soon as that person  
1080 becomes aware that the negotiation or discussion has been  
1081 initiated with a member, employee, or agent of the commission.

1082       (f) A member, employee, or agent of the commission, or a  
1083 parent, spouse, sibling, or child of a member, employee, or  
1084 agent of the commission, may not accept any gift, gratuity,  
1085 compensation, travel, lodging, or anything of value, directly or  
1086 indirectly, from a licensee, applicant, or affiliate or  
1087 representative of a person regulated by the commission. A  
1088 member, employee, or agent of the commission who is offered or  
1089 receives any gift, gratuity, compensation, travel, lodging, or  
1090 anything of value, directly or indirectly, from any licensee,  
1091 applicant, or affiliate or representative of a person regulated  
1092 by the commission must immediately provide written notice of the  
1093 details to the chair.

1094       (g) A licensee, applicant, or affiliate or representative  
1095 of an applicant or licensee may not, directly or indirectly,  
1096 knowingly give or offer to give any gift, gratuity,  
1097 compensation, travel, lodging, or anything of value to any  
1098 member or employee, or to a parent, spouse, sibling, or child of  
1099 a member, employee, or agent, which the member or employee is  
1100 prohibited from accepting under paragraph (f).

1101       (h) A member, employee, or agent of the commission may not  
1102 engage in any conduct that constitutes a conflict of interest

580-01687B-12

2012710c1

1103 and must immediately advise the chair in writing of the details  
1104 of any incident or circumstance that would suggest the existence  
1105 of a conflict of interest with respect to the performance of  
1106 commission-related work or duty of the member, employee, or  
1107 agent of the commission.

1108 (i) A member, employee, or agent of the commission who is  
1109 approached and offered a bribe must immediately provide a  
1110 written account of the details of the incident to the chair and  
1111 to a law enforcement agency having jurisdiction over the matter.

1112 Section 12. Section 551.011, Florida Statutes, is created  
1113 to read:

1114 551.011 Ex parte communications.-

1115 (1) A licensee, applicant, or affiliate or representative  
1116 of an applicant or licensee may not engage directly or  
1117 indirectly in ex parte communications concerning a pending  
1118 application, license, or enforcement action with a member of the  
1119 commission or concerning a matter that likely will be pending  
1120 before the commission. A member of the commission may not engage  
1121 directly or indirectly in any ex parte communications concerning  
1122 a pending application, license, or enforcement action with  
1123 members of the commission, or with a licensee, applicant, or  
1124 affiliate or representative of an applicant or licensee, or  
1125 concerning a matter that likely will be pending before the  
1126 commission.

1127 (2) Any commission member, licensee, applicant, or  
1128 affiliate or representative of a commission member, licensee, or  
1129 applicant who receives any ex parte communication in violation  
1130 of subsection (1), or who is aware of an attempted communication  
1131 in violation of subsection (1), must immediately report details

580-01687B-12

2012710c1

1132 of the communication or attempted communication in writing to  
1133 the chair.

1134 (3) If a commissioner knowingly receives an ex parte  
1135 communication relative to a proceeding to which he or she is  
1136 assigned, he or she must place on the record copies of all  
1137 written communications received, copies of all written responses  
1138 to the communications, and a memorandum stating the substance of  
1139 all oral communications received and all oral responses made,  
1140 and shall give written notice to all parties to the  
1141 communication that such matters have been placed on the record.  
1142 Any party who desires to respond to an ex parte communication  
1143 may do so. The response must be received by the commission  
1144 within 10 days after receiving notice that the ex parte  
1145 communication has been placed on the record. The commissioner  
1146 may, if he or she deems it necessary to eliminate the effect of  
1147 an ex parte communication received by him or her, withdraw from  
1148 the proceeding potentially impacted by the ex parte  
1149 communication. After a commissioner withdraws from the  
1150 proceeding, the chair shall substitute another commissioner for  
1151 the proceeding if the proceeding was not assigned to the full  
1152 commission.

1153 (4) Any individual who makes an ex parte communication must  
1154 submit to the commission a written statement describing the  
1155 nature of the communication, including the name of the person  
1156 making the communication, the name of the commissioner or  
1157 commissioners receiving the communication, copies of all written  
1158 communications made, all written responses to such  
1159 communications, and a memorandum stating the substance of all  
1160 oral communications received and all oral responses made. The



580-01687B-12

2012710c1

1161 commission shall place on the record of a proceeding all such  
1162 communications.

1163 (5) A member of the commission who knowingly fails to place  
1164 on the record any ex parte communications, in violation of this  
1165 section, within 15 days after the date of the communication is  
1166 subject to removal and may be assessed a civil penalty not to  
1167 exceed \$25,000.

1168 (6) The Commission on Ethics shall receive and investigate  
1169 sworn complaints of violations of this section pursuant to ss.  
1170 112.322-112.3241.

1171 (7) If the Commission on Ethics finds that a member of the  
1172 commission has violated this section, it shall provide the  
1173 Governor with a report of its findings and recommendations. The  
1174 Governor may enforce the findings and recommendations of the  
1175 Commission on Ethics pursuant to part III of chapter 112.

1176 (8) If a commissioner fails or refuses to pay the  
1177 Commission on Ethics any civil penalties assessed pursuant to  
1178 this section, the Commission on Ethics may bring an action in  
1179 any circuit court to enforce such penalty.

1180 (9) If, during the course of an investigation by the  
1181 Commission on Ethics into an alleged violation of this section,  
1182 allegations are made as to the identity of the person who  
1183 participated in the ex parte communication, that person must be  
1184 given notice and an opportunity to participate in the  
1185 investigation and relevant proceedings to present a defense. If  
1186 the Commission on Ethics determines that the person participated  
1187 in the ex parte communication, the person may not appear before  
1188 the commission or otherwise represent anyone before the  
1189 commission for 2 years.

580-01687B-12

2012710c1

1190 Section 13. Section 551.012, Florida Statutes, is created  
1191 to read:

1192 551.012 Penalties for misconduct by a commissioner,  
1193 employee, or agent.—

1194 (1) A violation of this chapter by a member of the  
1195 commission may result in disqualification or constitute cause  
1196 for removal by the Governor or other disciplinary action as  
1197 determined by the commission.

1198 (2) A violation of this chapter by an employee or agent of  
1199 the commission does not require termination of employment or  
1200 other disciplinary action if:

1201 (a) The commission determines that the conduct involved  
1202 does not violate the purposes this chapter; or

1203 (b) There was no intentional action on the part of the  
1204 employee or agent, contingent on divestment of any financial  
1205 interest within 30 days after the interest was acquired.

1206 (3) Notwithstanding subsection (2), an employee or agent of  
1207 the commission who violates this chapter shall be terminated if  
1208 a financial interest in a licensee, applicant, or affiliate or  
1209 representative of a licensee or applicant is acquired by:

1210 (a) An employee of the commission; or

1211 (b) The employee's or agent's spouse, parent, or child.

1212 (4) A violation of this chapter does not create a civil  
1213 cause of action.

1214 Section 14. Section 551.301, Florida Statutes, is created  
1215 to read:

1216 551.301 This part may be cited as the "Destination Resort  
1217 Act" or the "Resort Act."

1218 Section 15. Section 551.302, Florida Statutes, is created

580-01687B-12

2012710c1

1219 to read:

1220 551.302 Definitions.—As used in this part, the term:1221 (1) "Ancillary areas" includes the following areas within a  
1222 limited gaming facility, unless the context otherwise requires:1223 (a) Major aisles, the maximum area of which may not exceed  
1224 the limit within any part of the limited gaming facility as  
1225 specified by the commission.1226 (b) Back-of-house facilities.1227 (c) Any reception or information counter.1228 (d) Any area designated for the serving or consumption of  
1229 food and beverages.1230 (e) Any retail outlet.1231 (f) Any area designated for performances.1232 (g) Any area designated for aesthetic or decorative  
1233 displays.1234 (h) Staircases, staircase landings, escalators, lifts, and  
1235 lift lobbies.1236 (i) Bathrooms.1237 (j) Any other area that is not intended to be used for the  
1238 conduct or playing of games or as a gaming pit as defined by  
1239 rules of the department or specified in the application for the  
1240 destination resort license.1241 (2) "Applicant," as the context requires, means a person  
1242 who applies for a resort license, supplier license, or  
1243 occupational license. A county, municipality, or other unit of  
1244 government is prohibited from applying for a resort license.1245 (3) "Credit" means the method by which a licensee issues  
1246 chips or tokens to a wagerer of the licensee to play games or  
1247 slot machines, in return for which the wagerer executes a credit

580-01687B-12

2012710c1

1248 instrument to evidence the debt owed. The issuance of credit to  
1249 a wagerer may not be deemed a loan from the licensee to the  
1250 wagerer.

1251 (4) "Destination resort" or "resort" means a freestanding,  
1252 land-based structure in which limited gaming may be conducted. A  
1253 destination resort is a mixed-use development consisting of a  
1254 combination of various tourism amenities and facilities,  
1255 including, but not limited to, hotels, villas, restaurants,  
1256 limited gaming facilities, convention facilities, attractions,  
1257 entertainment facilities, service centers, and shopping centers.

1258 (5) "Destination resort license" or "resort license" means  
1259 a license to operate and maintain a destination resort having a  
1260 limited gaming facility.

1261 (6) "District" means a county in which a majority of the  
1262 electors voting in a countywide referendum have passed a  
1263 referendum allowing for limited gaming to be conducted in that  
1264 county.

1265 (7) "Gaming pit" means an area commonly known as a gaming  
1266 pit or any similar area from which limited gaming employees  
1267 administer and supervise the games.

1268 (8) "Gross receipts" means the total of cash or cash  
1269 equivalents received or retained as winnings by a resort  
1270 licensee and the compensation received for conducting any game  
1271 in which the resort licensee is not party to a wager, less cash  
1272 taken in fraudulent acts perpetrated against the resort licensee  
1273 for which the resort licensee is not reimbursed. The term does  
1274 not include:

1275 (a) Counterfeit money or tokens;

1276 (b) Coins of other countries which are received in gaming

580-01687B-12

2012710c1

1277 devices and which cannot be converted into United States  
1278 currency;

1279 (c) Promotional credits or free play as provided by the  
1280 licensee as a means of marketing the limited gaming facility; or

1281 (d) The amount of any credit extended until collected.

1282 (9) "Individual" means a natural person.

1283 (10) "Institutional investor" means, but is not limited to:

1284 (a) A retirement fund administered by a public agency for  
1285 the exclusive benefit of federal, state, or county public  
1286 employees.

1287 (b) An employee benefit plan or pension fund that is  
1288 subject to the Employee Retirement Income Security Act of 1974.

1289 (c) An investment company registered under the Investment  
1290 Company Act of 1940.

1291 (d) A collective investment trust organized by a bank under  
1292 12 C.F.R. part 9, s. 9.18.

1293 (e) A closed-end investment trust.

1294 (f) A life insurance company or property and casualty  
1295 insurance company.

1296 (g) A financial institution.

1297 (h) An investment advisor registered under the Investment  
1298 Advisers Act of 1940.

1299 (i) Such other persons as the commission may determine for  
1300 reasons consistent with the policies of this part.

1301 (11) "Junket enterprise" means any person who, for  
1302 compensation, employs or otherwise engages in the procurement or  
1303 referral of persons for a junket to a destination resort  
1304 licensed under this part regardless of whether those activities  
1305 occur within this state. The term does not include a resort

580-01687B-12

2012710c1

1306 licensee or applicant for a resort license or a person holding  
1307 an occupational license.

1308 (12) "License," as the context requires, means a resort  
1309 license, limited gaming license, supplier license, manufacturer  
1310 license, or occupational license.

1311 (13) "Licensee," as the context requires, means a person  
1312 who is licensed as a resort licensee, limited gaming licensee,  
1313 supplier licensee, manufacturer licensee, or occupational  
1314 licensee.

1315 (14) "Limited gaming," "game," or "gaming," as the context  
1316 requires, means the games authorized under this part in a  
1317 limited gaming facility, including, but not limited to, those  
1318 commonly known as baccarat, twenty-one, poker, craps, slot  
1319 machines, video gaming of chance, roulette wheels, Klondike  
1320 tables, punch-board, faro layout, numbers ticket, push car, jar  
1321 ticket, pull tab, or their common variants, or any other game of  
1322 chance or wagering device that is authorized by the commission.

1323 (15) "Limited gaming employee" or "gaming employee" means  
1324 any employee of a resort licensee, including, but not limited  
1325 to:

1326 (a) Cashiers.

1327 (b) Change personnel.

1328 (c) Count room personnel.

1329 (d) Slot machine attendants.

1330 (e) Hosts or other individuals authorized to extend  
1331 complimentary services, including employees performing functions  
1332 similar to those performed by a representative for a junket  
1333 enterprise.

1334 (f) Machine mechanics and computer technicians performing

580-01687B-12

2012710c1

1335 duties on machines with gaming-related functions or table game  
1336 device technicians.

1337 (g) Security personnel.

1338 (h) Surveillance personnel.

1339 (i) Promotional play supervisors, credit supervisors, pit  
1340 supervisors, cashier supervisors, gaming shift supervisors,  
1341 table game managers, assistant managers, and other supervisors  
1342 and managers.

1343 (j) Boxmen.

1344 (k) Dealers or croupiers.

1345 (l) Floormen.

1346 (m) Personnel authorized to issue promotional credits.

1347 (n) Personnel authorized to issue credit.

1348  
1349 The term does not include bartenders, cocktail servers, or other  
1350 persons engaged in preparing or serving food or beverages,  
1351 clerical or secretarial personnel, parking attendants,  
1352 janitorial staff, stage hands, sound and light technicians, and  
1353 other nongaming personnel as determined by the commission. The  
1354 term includes a person employed by a person or entity other than  
1355 a resort licensee who performs the functions of a limited gaming  
1356 employee.

1357 (16) "Limited gaming facility" means the limited gaming  
1358 floor and any ancillary areas.

1359 (17) "Limited gaming floor" means the approved gaming area  
1360 of a resort or a pari-mutuel facility in which limited gaming  
1361 may be conducted. Ancillary areas in or directly adjacent to the  
1362 gaming area are not part of the limited gaming floor for  
1363 purposes of calculating the size of the limited gaming floor.

580-01687B-12

2012710c1

1364       (18) "Limited gaming license" means a license to conduct  
1365 limited gaming as provided in s. 551.3135 at authorized pari-  
1366 mutuel facilities.

1367       (19) "Managerial employee" has the same meaning as provided  
1368 in s. 447.203(4).

1369       (20) "Occupational licensee" means a person who is licensed  
1370 to be a limited gaming employee.

1371       (21) "Qualifier" means an affiliate, affiliated company,  
1372 officer, director, or managerial employee of an applicant for a  
1373 resort license, or a person who holds a direct or indirect  
1374 equity interest in the applicant. The term may include an  
1375 institutional investor. As used in this subsection, the terms  
1376 "affiliate," "affiliated company," and "a person who holds a  
1377 direct or indirect equity interest in the applicant" do not  
1378 include a partnership, a joint venture relationship, a  
1379 shareholder of a corporation, a member of a limited liability  
1380 company, or a partner in a limited liability partnership that  
1381 has a direct or indirect equity interest in the applicant for a  
1382 resort license of 5 percent or less and is not involved in the  
1383 gaming operations as defined by the rules of the department.

1384       (22) "Supplier licensee" or "supplier" means a person who  
1385 is licensed to furnish gaming equipment, devices, or supplies or  
1386 other goods or services to a resort licensee.

1387       (23) "Tournament" means an organized series of contests  
1388 approved by the commission in which an overall winner is  
1389 ultimately determined.

1390       (24) "Wagerer" means a person who plays a game authorized  
1391 under this part.

1392       Section 16. Section 551.304, Florida Statutes, is created



580-01687B-12

2012710c1

1393 to read:

1394 551.304 State Gaming Commission; powers and duties.-1395 (1) The commission shall:1396 (a) Authorize limited gaming at up to three destination  
1397 resorts.1398 (b) Conduct such investigations as necessary to fulfill its  
1399 responsibilities.1400 (c) Use an invitation to negotiate process for applicants  
1401 based on minimum requirements established by this part and rules  
1402 of the department.1403 (d) Investigate applicants for a resort license and  
1404 determine the eligibility of applicants for a resort license and  
1405 select from competing applicants the applicant that best serves  
1406 the interests of the residents of Florida, based on the  
1407 potential for economic development presented by the applicant's  
1408 proposed investment in infrastructure, such as hotels and other  
1409 nongaming entertainment facilities, and the applicant's ability  
1410 to maximize revenue for the state.1411 (e) Grant a license to the applicant best suited to operate  
1412 a destination resort that has limited gaming.1413 (f) Grant a license to authorized pari-mutuel facilities  
1414 for limited gaming.1415 (g) Establish and collect fees for performing background  
1416 checks on all applicants for licenses and all persons with whom  
1417 the commission may contract for the providing of goods or  
1418 services and for performing, or having performed, tests on  
1419 equipment and devices to be used in a limited gaming facility.1420 (h) Issue subpoenas for the attendance of witnesses and  
1421 subpoenas duces tecum for the production of books, records, and

580-01687B-12

2012710c1

1422 other pertinent documents as provided by law, and to administer  
1423 oaths and affirmations to the witnesses, if, in the judgment of  
1424 the commission, it is necessary to enforce this part or  
1425 department rules. If a person fails to comply with a subpoena,  
1426 the commission may petition the circuit court of the county in  
1427 which the person subpoenaed resides or has his or her principal  
1428 place of business for an order requiring the subpoenaed person  
1429 to appear and testify and to produce books, records, and  
1430 documents as specified in the subpoena. The court may grant  
1431 legal, equitable, or injunctive relief, which may include, but  
1432 is not limited to, issuance of a writ of ne exeat or restraint  
1433 by injunction or appointment of a receiver of any transfer,  
1434 pledge, assignment, or other disposition of such person's assets  
1435 or any concealment, alteration, destruction, or other  
1436 disposition of subpoenaed books, records, or documents, as the  
1437 court deems appropriate, until the person subpoenaed has fully  
1438 complied with the subpoena and the commission has completed the  
1439 audit, examination, or investigation. The commission is entitled  
1440 to the summary procedure provided in s. 51.011, and the court  
1441 shall advance the cause on its calendar. Costs incurred by the  
1442 commission to obtain an order granting, in whole or in part,  
1443 such petition for enforcement of a subpoena shall be charged  
1444 against the subpoenaed person, and failure to comply with such  
1445 order is a contempt of court.

1446 (i) Require each applicant for a license to produce the  
1447 information, documentation, and assurances as may be necessary  
1448 to establish by clear and convincing evidence the integrity of  
1449 all financial backers, investors, mortgagees, bondholders, and  
1450 holders of indentures, notes, or other evidences of

580-01687B-12

2012710c1

1451 indebtedness, either in effect or proposed. Any such banking or  
1452 lending institution and institutional investors may be waived  
1453 from qualification requirements. However, banking or lending  
1454 institutions or institutional investors shall produce for the  
1455 board upon request any document or information that bears any  
1456 relation to the proposal submitted by the applicant or  
1457 applicants. The integrity of the financial sources shall be  
1458 judged upon the same standards as the applicant or applicants.  
1459 Any such person or entity shall produce for the commission upon  
1460 request any document or information that bears any relation to  
1461 the application. In addition, the applicant shall produce  
1462 whatever information, documentation, or assurances the  
1463 commission requires to establish by clear and convincing  
1464 evidence the adequacy of financial resources.

1465 (j) Require or permit a person to file a statement in  
1466 writing, under oath or otherwise as the commission or its  
1467 designee requires, as to all the facts and circumstances  
1468 concerning the matter to be audited, examined, or investigated.

1469 (k) Keep accurate and complete records of its proceedings  
1470 and to certify the records as may be appropriate.

1471 (l) Take any other action as may be reasonable or  
1472 appropriate to enforce this part and rules adopted by the  
1473 department.

1474 (m) Apply for injunctive or declaratory relief in a court  
1475 of competent jurisdiction to enforce this part and any rules  
1476 adopted by the department.

1477 (n) Establish field offices, as deemed necessary by the  
1478 commission.

1479 (2) The Department of Law Enforcement and local law

580-01687B-12

2012710c1

1480 enforcement agencies may investigate any criminal violation of  
1481 law occurring at a licensee. Such investigations may be  
1482 conducted in conjunction with the appropriate state attorney.

1483 (3) (a) The commission, the Department of Law Enforcement,  
1484 and local law enforcement agencies shall have unrestricted  
1485 access to the limited gaming facility at all times and shall  
1486 require of each licensee strict compliance with the laws of this  
1487 state relating to the transaction of such business. The  
1488 commission and the Department of Law Enforcement may:

1489 1. Inspect and examine premises where authorized limited  
1490 gaming devices are offered for play.

1491 2. Inspect slot machines, other authorized gaming devices,  
1492 and related equipment and supplies.

1493 (b) In addition, the commission may:

1494 1. Collect taxes, assessments, fees, and penalties.

1495 2. Deny, revoke, or suspend a license of, or place  
1496 conditions on, a licensee who violates any provision of this  
1497 part, a rule adopted by the department, or an order of the  
1498 commission.

1499 (4) The commission must revoke or suspend the license of  
1500 any person who is no longer qualified or who is found, after  
1501 receiving a license, to have been unqualified at the time of  
1502 application for the license.

1503 (5) This section does not:

1504 (a) Prohibit the Department of Law Enforcement or any law  
1505 enforcement authority whose jurisdiction includes a licensee  
1506 from conducting investigations of criminal activities occurring  
1507 at the facilities of a licensee;

1508 (b) Restrict access to the limited gaming facility by the

580-01687B-12

2012710c1

1509 Department of Law Enforcement or any local law enforcement  
1510 authority whose jurisdiction includes a licensee's facility; or

1511 (c) Restrict access by the Department of Law Enforcement or  
1512 a local law enforcement agency to information and records  
1513 necessary for the investigation of criminal activity which are  
1514 contained within the facilities of a licensee.

1515 Section 17. Section 551.305, Florida Statutes, is created  
1516 to read:

1517 551.305 Rulemaking.—

1518 (1) The department shall adopt all rules necessary to  
1519 implement, administer, and regulate limited gaming under this  
1520 part. The rules must include:

1521 (a) The types of limited gaming activities to be conducted  
1522 and the rules for those games, including any restriction upon  
1523 the time, place, and structures where limited gaming is  
1524 authorized.

1525 (b) Requirements, procedures, qualifications, and grounds  
1526 for the issuance, renewal, revocation, suspension, and summary  
1527 suspension of a license.

1528 (c) Requirements for the disclosure of the complete  
1529 financial interests of licensees and applicants for licenses.

1530 (d) Technical requirements and the qualifications that are  
1531 necessary to receive a license.

1532 (e) Procedures to scientifically test and technically  
1533 evaluate slot machines, including all components, hardware, and  
1534 software for slot machines, and other authorized gaming devices  
1535 for compliance with this part and the rules adopted by the  
1536 department. The commission may contract with an independent  
1537 testing laboratory to conduct any necessary testing. The

580-01687B-12

2012710c1

1538 independent testing laboratory must have a national reputation  
1539 for being demonstrably competent and qualified to scientifically  
1540 test and evaluate slot machines and other authorized gaming  
1541 devices. An independent testing laboratory may not be owned or  
1542 controlled by a licensee. The use of an independent testing  
1543 laboratory for any purpose related to the conduct of slot  
1544 machine gaming and other authorized gaming by a licensee shall  
1545 be made from a list of laboratories approved by the commission.

1546 (f) Procedures relating to limited gaming revenues,  
1547 including verifying and accounting for such revenues, auditing,  
1548 and collecting taxes and fees.

1549 (g) Requirements for limited gaming equipment, including  
1550 the types and specifications of all equipment and devices that  
1551 may be used in limited gaming facilities.

1552 (h) Standards and procedures for table games and table game  
1553 devices or associated equipment.

1554 (i) Standards and rules to govern the conduct of limited  
1555 gaming and the system of wagering associated with limited  
1556 gaming.

1557 (j) Security standards and procedures for the conduct of  
1558 limited gaming, including the standards and procedures relating  
1559 to inspections, maintenance of the count room, and drop boxes.

1560 (k) The size and uniform color by denomination of all chips  
1561 used in the conduct of table games.

1562 (l) Internal control systems and audit protocols for the  
1563 licensee's limited gaming operations, including collection and  
1564 recordkeeping requirements.

1565 (m) The method for calculating gross gaming revenue and  
1566 standards for the daily counting and recording of cash and cash

580-01687B-12

2012710c1

1567 equivalents received in the conduct of limited gaming.

1568 (n) Notice requirements pertaining to minimum and maximum  
1569 wagers on games, and other information as the commission may  
1570 require.

1571 (o) Minimum standards relating to the acceptance of tips or  
1572 gratuities by dealers and croupiers at a table game.

1573 (p) Minimum standards for the training of employees and  
1574 potential employees of a license in the operation of slot  
1575 machines and table game training, including minimal proficiency  
1576 requirements for individuals, and standards and practices for  
1577 the use of training equipment.

1578 (q) Practices and procedures governing the conduct of  
1579 tournaments.

1580 (r) Minimum standards relating to the extension of credit  
1581 to a player by a licensee.

1582 (s) Standards for the testing, certification, and  
1583 inspection of slot machines, table games, and other authorized  
1584 gaming devices.

1585 (t) Procedures for regulating, managing, and auditing the  
1586 operation, financial data, and program information relating to  
1587 limited gaming which allow the commission and the Department of  
1588 Law Enforcement to audit the operation, financial data, and  
1589 program information of a licensee, as required by the commission  
1590 or the Department of Law Enforcement, and provide the commission  
1591 and the Department of Law Enforcement with the ability to  
1592 monitor, at any time on a real-time basis, wagering patterns,  
1593 payouts, tax collection, and compliance with any rules adopted  
1594 by the department for the regulation and control of limited  
1595 gaming. Such continuous and complete access, at any time on a

580-01687B-12

2012710c1

1596 real-time basis, shall include the ability of either the  
1597 commission or the Department of Law Enforcement to suspend play  
1598 immediately on particular slot machines or other gaming devices  
1599 if monitoring of the facilities-based computer system indicates  
1600 possible tampering or manipulation of those slot machines or  
1601 gaming devices or the ability to suspend play immediately of the  
1602 entire operation if the tampering or manipulation is of the  
1603 computer system itself. The commission shall notify the  
1604 Department of Law Enforcement and the Department of Law  
1605 Enforcement shall notify the commission, as appropriate,  
1606 whenever there is a suspension of play pursuant this paragraph.  
1607 The commission and the Department of Law Enforcement shall  
1608 exchange information that is necessary for, and cooperate in the  
1609 investigation of, the circumstances requiring suspension of play  
1610 pursuant to this paragraph.

1611 (u) Procedures for requiring each licensee at his or her  
1612 own cost and expense to supply the commission with a bond as  
1613 required.

1614 (v) The requirements for a destination resort applicant to  
1615 demonstrate that it has received conceptual approval for the  
1616 destination resort proposal from the municipality and county in  
1617 which the resort will be located.

1618 (w) Procedures for requiring licensees to maintain and to  
1619 provide to the commission records, data, information, or  
1620 reports, including financial and income records.

1621 (x) Procedures to calculate the payout percentages of slot  
1622 machines.

1623 (y) Minimum standards for security of the facilities,  
1624 including floor plans, security cameras, and other security



580-01687B-12

2012710c1

1625 equipment.

1626 (z) The scope and conditions for investigations and  
1627 inspections into the conduct of limited gaming.

1628 (aa) The standards and procedures for the seizure without  
1629 notice or hearing of gaming equipment, supplies, or books and  
1630 records for the purpose of examination and inspection.

1631 (bb) Procedures for requiring resort licensees, limited  
1632 gaming licensees, and supplier licensees to implement and  
1633 establish drug-testing programs for employees.

1634 (cc) Procedures and guidelines for the continuous recording  
1635 of all gaming activities at a limited gaming facility. The  
1636 commission may require a licensee to timely provide all or part  
1637 of the original recordings pursuant to a schedule.

1638 (dd) The payment of costs incurred by the commission or any  
1639 other agencies for investigations or background checks or costs  
1640 associated with testing limited gaming-related equipment, which  
1641 must be paid by an applicant for a license or by a licensee.

1642 (ee) Procedures for the levying of fines for violations of  
1643 this part or any rule adopted by the department, which fines may  
1644 not exceed \$250,000 per violation arising out of a single  
1645 transaction.

1646 (ff) Any other rules the department finds necessary for  
1647 safe, honest, and highly regulated gaming in the state. For  
1648 purposes of this paragraph, the department shall consider rules  
1649 from any other jurisdiction in which gaming is highly regulated,  
1650 such as New Jersey or Nevada.

1651 (gg) Any other rule necessary to accomplish the purposes of  
1652 this part.

1653 (2) The department may at any time adopt emergency rules

580-01687B-12

2012710c1

1654 pursuant to s. 120.54. The Legislature finds that such emergency  
1655 rulemaking power is necessary for the preservation of the rights  
1656 and welfare of the people in order to provide additional funds  
1657 to benefit the public. The Legislature further finds that the  
1658 unique nature of limited gaming operations requires, from time  
1659 to time, that the commission respond as quickly as is  
1660 practicable. Therefore, in adopting such emergency rules, the  
1661 department need not make the findings required by s.  
1662 120.54(4)(a). Emergency rules adopted under this section are  
1663 exempt from s. 120.54(4)(c). However, the emergency rules may  
1664 not remain in effect for more than 180 days except that the  
1665 department may renew the emergency rules during the pendency of  
1666 procedures to adopt permanent rules addressing the subject of  
1667 the emergency rules.

1668 Section 18. Section 551.306, Florida Statutes, is created  
1669 to read:

1670 551.306 Legislative authority; administration of part.—The  
1671 regulation of the conduct of limited gaming activity at a  
1672 licensee is preempted to the state and a county, municipality,  
1673 or other political subdivision of the state may not enact any  
1674 ordinance relating to limited gaming. Only the department and  
1675 other authorized state agencies may administer this part and  
1676 regulate limited gaming, including limited gaming at licensees  
1677 and the assessment of fees or taxes relating to the conduct of  
1678 limited gaming.

1679 Section 19. Section 551.307, Florida Statutes, is created  
1680 to read:

1681 551.307 Authorization of limited gaming at destination  
1682 resorts.—Notwithstanding any other provision of law, the

580-01687B-12

2012710c1

1683 commission may award a resort license authorizing limited gaming  
1684 in a county only if a majority of the electors voting in a  
1685 countywide referendum have passed a referendum allowing for  
1686 limited gaming in that county. If limited gaming is authorized  
1687 through the award of a resort license, the resort licensee and  
1688 any pari-mutuel facility licensed to conduct slot machines as of  
1689 July 1, 2012, may possess slot machines and other authorized  
1690 gaming devices and conduct limited gaming at the licensed  
1691 location. Notwithstanding any other provision of law, a person  
1692 who is at least 21 years of age may lawfully participate in  
1693 authorized games at a facility licensed to possess authorized  
1694 limited gaming devices and conduct limited gaming or to  
1695 participate in limited gaming as described in this part. All  
1696 limited gaming shall be conducted in a designated limited gaming  
1697 floor that is segregated from the rest of the resort or pari-  
1698 mutuel facility so that patrons may have ingress and egress to  
1699 the facility without entering the designated limited gaming  
1700 floor.

1701 Section 20. Section 551.308, Florida Statutes, is created  
1702 to read:

1703 551.308 Process for awarding destination resort licenses.-

1704 (1) The commission shall by rule use an invitation to  
1705 negotiate process for determining the award of a resort license.  
1706 The application, review, and issuance procedures for awarding a  
1707 license shall be by a process in which applicants rely on forms  
1708 provided by the commission in response to an invitation to  
1709 negotiate issued by the commission. The commission shall issue  
1710 the invitation to negotiate no later than 90 days after the date  
1711 of the commission's first meeting.

580-01687B-12

2012710c1

1712       (2) Proposals in response to the invitation to negotiate  
1713 must be received by the commission no later than 90 days after  
1714 the issuance of the invitation to negotiate.

1715       (3) The commission may specify in its invitation to  
1716 negotiate the county in which the facility would be located.  
1717 When determining whether to authorize a destination resort  
1718 located within a specific county or counties, the commission  
1719 shall hold a public hearing in such county or counties to  
1720 discuss the proposals and receive public comments on  
1721 determination of the award of licenses.

1722       (4) The commission shall review all complete replies  
1723 received pursuant to an invitation to negotiate. The commission  
1724 may select one or more replies with which to commence  
1725 negotiations after determining which replies are in the best  
1726 interest of the state based on the selection criteria. The  
1727 commission shall award or deny a destination resort license  
1728 within 90 days after the deadline for the submission of a reply.

1729       (5) The commission may expand the deadlines required under  
1730 this section by rule of the department if the commission makes  
1731 specific findings that the deadlines are not able to be met and  
1732 the reasons that the deadlines are not able to be met.

1733       (6) If the commission does not award all three resort  
1734 licenses at the conclusion of the process described in  
1735 subsections (1)-(4), the commission may issue one or more  
1736 additional invitations to negotiate, pursuant to deadlines  
1737 established by rule of the department, to award any authorized  
1738 destination resort licenses that were not awarded during the  
1739 initial award process.

1740       Section 21. Section 551.309, Florida Statutes, is created

580-01687B-12

2012710c1

1741 to read:

1742 551.309 Criteria for the award of a destination resort  
1743 license.—The commission may award no more than three destination  
1744 resort licenses.

1745 (1) The commission may award a resort license to the  
1746 applicant of an invitation to negotiate which best serves the  
1747 interests of the residents of this state. The reply to an  
1748 invitation to negotiate for a resort license must include an  
1749 application that demonstrates the applicant's ability to meet  
1750 the following minimum criteria:

1751 (a) The applicant must demonstrate a capacity to increase  
1752 tourism, generate jobs, provide revenue to the local economy,  
1753 and provide revenue to the General Revenue Fund.

1754 (b) The limited gaming floor in a destination resort may  
1755 constitute no more than 10 percent of the resort development's  
1756 total square footage. The resort development's total square  
1757 footage is the aggregate of the total square footage of the  
1758 limited gaming facility, the hotel or hotels, convention space,  
1759 retail facilities, nongaming entertainment facilities, service  
1760 centers, and office space or administrative areas.

1761 (c) The applicant must demonstrate a history of, or a bona  
1762 fide plan for, community involvement or investment in the  
1763 community where the resort having a limited gaming facility will  
1764 be located.

1765 (d) The applicant must demonstrate a history of investment  
1766 in the communities which its previous developments have been  
1767 located.

1768 (e) The applicant must demonstrate the financial ability to  
1769 purchase and maintain an adequate surety bond.

580-01687B-12

2012710c1

1770       (f) The applicant must demonstrate that it has adequate  
1771 capitalization to develop, construct, maintain, and operate the  
1772 proposed resort having a limited gaming facility in accordance  
1773 with the requirements of this part and rules adopted by the  
1774 department and to responsibly meet its secured and unsecured  
1775 debt obligations in accordance with its financial and other  
1776 contractual agreements.

1777       (g) The applicant must demonstrate the ability to implement  
1778 a program to train and employ residents of this state for jobs  
1779 that will be available at the destination resort, including its  
1780 ability to implement a program for the training of low-income  
1781 persons.

1782       (h) The commission may, at its discretion, assess the  
1783 quality of the proposed development's aesthetic appearance in  
1784 the context of its potential to provide substantial economic  
1785 benefits to the community and the people of this state,  
1786 including, but not limited to, its potential to provide  
1787 substantial employment opportunities.

1788       (i) The applicant must show how it will integrate with  
1789 local businesses in host and surrounding communities, including  
1790 local restaurants, hotels, retail outlets, and impacted live  
1791 entertainment venues.

1792       (j) The applicant must demonstrate its ability to build a  
1793 destination resort of a high caliber with a variety of high-  
1794 quality amenities to be included as part of the establishment  
1795 that will enhance the state's tourism industry.

1796       (k) The applicant must demonstrate how it will contract  
1797 with local business owners for the provision of goods and  
1798 services, including developing plans designed to assist

580-01687B-12

2012710c1

1799 businesses in the state and local economy.

1800 (l) The applicant must demonstrate that it will expend at  
1801 least \$2 billion in new development and construction of the  
1802 proposed destination resort following the award of a license,  
1803 which may include improvements to the property, furnishings, and  
1804 other equipment, as determined by the commission, excluding any  
1805 purchase price and costs associated with the acquisition of real  
1806 property on which to develop the destination resort and  
1807 excluding any impact fees. Such expenditure must in the  
1808 aggregate be completed within 5 years after the award of any  
1809 such license.

1810 (m) The applicant must demonstrate the ability to generate  
1811 substantial gross receipts.

1812 (n) Any other criteria the applicant deems necessary to  
1813 assist the commission in its scoring as outlined in the act.

1814 (2) (a) The commission shall evaluate applications based on  
1815 the following weighted criteria:

1816 1. Design and location: 20 percent.

1817 a. The location shall be evaluated based on the ability of  
1818 the community to sustain such a development, the support of the  
1819 local community in bringing the development to the community,  
1820 and an analysis of the revenue that will be generated by the  
1821 facility.

1822 b. Design shall be evaluated based on the potential  
1823 operator's ability to integrate the facilities design into the  
1824 local community and whether the size and scope of the project  
1825 will integrate properly into the community.

1826 2. Management expertise and speed to market: 40 percent.

1827 The criteria for evaluation shall be:

580-01687B-12

2012710c1

- 1828       a. The applicant's experience building and managing a  
1829 resort the scope and size of the proposed resort.
- 1830       b. The applicant's plan to build and manage the resort and  
1831 the operator's timeline for completion of the resort.
- 1832       c. The applicant's experience and plan to generate  
1833 nongaming revenue from other amenities with the facility.
- 1834       d. The applicant's access to capital and financial ability  
1835 to construct the proposed project.
- 1836       e. The evaluation of the criteria specified in paragraphs  
1837 (1) (a) - (k).
- 1838       3. Generating out-of-state visitation: 30 percent. The  
1839 criteria for evaluation shall be:
- 1840       a. The applicant's demonstrated history of generating  
1841 tourism and visitation from out of state and international  
1842 tourists.
- 1843       b. The applicant's history of driving visitation to other  
1844 properties in an area.
- 1845       c. The applicant's plan for generating out-of-state and  
1846 international tourism.
- 1847       d. The applicant's plan for maximizing visitation to a  
1848 region that will also drive visitation to other properties in  
1849 that region.
- 1850       4. Community enhancement plan: 10 percent. The criteria for  
1851 evaluation shall be:
- 1852       a. The applicant's demonstrated history of community  
1853 partnerships in local communities where they are located.
- 1854       b. The applicant's demonstrated plan to enhance the local  
1855 community where the proposed resort will be located.
- 1856       c. The applicant's demonstrated plan for local hiring.



580-01687B-12

2012710c1

1857 d. The applicant's demonstrated history of working with  
1858 community education facilities, including local schools and  
1859 colleges to train prospective job applicants for careers in the  
1860 hospitality field.

1861 e. The applicant's demonstrated history in diversity in  
1862 hiring and minority purchasing.

1863 f. The applicant's plan for diversity in hiring and  
1864 minority purchasing.

1865 (b) The commission shall give preference to those  
1866 applicants that demonstrate that they meet the following  
1867 criteria:

1868 1. The roads, water, sanitation, utilities, and related  
1869 services to the proposed location of the destination resort are  
1870 adequate and the proposed destination resort will not unduly  
1871 impact public services, existing transportation infrastructure,  
1872 consumption of natural resources, and the quality of life  
1873 enjoyed by residents of the surrounding neighborhoods.

1874 2. The applicant will be able to commence construction as  
1875 soon after awarding of the resort license as possible, but, in  
1876 any event, no later than 12 months after the award of the resort  
1877 license.

1878 3. The destination resort will include amenities and uses  
1879 that will allow other state businesses to be included within the  
1880 destination resort.

1881 4. The destination resort will promote local businesses in  
1882 host and surrounding communities, including developing cross-  
1883 marketing strategies with local restaurants, small businesses,  
1884 hotels, retail outlets, and impacted live entertainment venues.

1885 5. The destination resort will implement a workforce

580-01687B-12

2012710c1

1886 development plan that utilizes the existing labor force,  
1887 including the estimated number of construction jobs the  
1888 destination resort will generate, the development of workforce  
1889 training programs that serve the unemployed and methods for  
1890 accessing employment at the destination resort development.

1891 6. The destination resort will take additional measures to  
1892 address problem gambling, including, but not limited to,  
1893 training of gaming employees to identify patrons exhibiting  
1894 problems with gambling and providing prevention programs  
1895 targeted toward vulnerable populations.

1896 7. The destination resort will provide a market analysis  
1897 detailing the benefits of the site location and the estimated  
1898 recapture rate of gaming-related spending by residents traveling  
1899 to out-of-state gaming establishments.

1900 8. The destination resort will utilize sustainable  
1901 development principles.

1902 9. The destination resort will contract with local business  
1903 owners for the provision of goods and services, including  
1904 developing plans designed to assist businesses in the state in  
1905 identifying the needs for goods and services to the  
1906 establishment.

1907 10. The destination resort will mitigate potential impacts  
1908 on host and surrounding communities which might result from the  
1909 development or operation of the destination resort.

1910 11. The destination resort will purchase, whenever  
1911 possible, domestically manufactured equipment for installation  
1912 in the resort.

1913 12. The destination resort will implement a marketing  
1914 program that identifies specific goals, expressed as an overall

580-01687B-12

2012710c1

1915 program goal applicable to the total dollar amount of contracts,  
1916 for the utilization of:

1917 a. Minority business enterprises, women business  
1918 enterprises, and veteran business enterprises to participate as  
1919 contractors in the design of the development;

1920 b. Minority business enterprises, women business  
1921 enterprises, and veteran business enterprises to participate as  
1922 contractors in the construction of the development; and

1923 c. Minority business enterprises, women business  
1924 enterprises, and veteran business enterprises to participate as  
1925 vendors in the provision of goods and services procured by the  
1926 development and any businesses operated as part of the  
1927 development.

1928 13. The destination resort will have public support in the  
1929 host and surrounding communities which may be demonstrated  
1930 through public comment received by the commission or gaming  
1931 applicant.

1932 (3) A resort license may be issued only to persons of good  
1933 moral character who are at least 21 years of age. A resort  
1934 license may issued to a corporation only if its officers are of  
1935 good moral character and at least 21 years of age.

1936 (4) A resort license may not be issued to an applicant if  
1937 the applicant, qualifier, or institutional investor:

1938 (a) Has, within the last 5 years, been adjudicated by a  
1939 court or tribunal for failure to pay income, sales, or gross  
1940 receipts tax due and payable under any federal, state, or local  
1941 law, after exhaustion of all appeals or administrative remedies.

1942 (b) Has been convicted of a felony under the laws of this  
1943 state, any other state, or the United States.

580-01687B-12

2012710c1

1944 (c) Has been convicted of any violation under chapter 817  
1945 or under a substantially similar law of another jurisdiction.

1946 (d) Knowingly submitted false information in the  
1947 application for the license.

1948 (e) Is a member or employee of the commission.

1949 (f) Was licensed to own or operate gaming or pari-mutuel  
1950 facilities in this state or another jurisdiction and that  
1951 license was revoked.

1952 (g) Is an entity that has accepted any wager of money or  
1953 other consideration on any online gambling activity, including  
1954 poker, from any state resident since October 13, 2006. However,  
1955 this prohibition does not disqualify an applicant or  
1956 subcontractor who accepts online pari-mutuel wagers from a state  
1957 resident through a legal online pari-mutuel wagering entity  
1958 authorized in another state.

1959 (h) Fails to meet any other criteria for licensure set  
1960 forth in this part.

1961  
1962 As used in this subsection, the term "conviction" includes an  
1963 adjudication of guilt on a plea of guilty or nolo contendere or  
1964 the forfeiture of a bond when charged with a crime.

1965 Section 22. Section 551.310, Florida Statutes, is created  
1966 to read:

1967 551.310 Application for destination resort license.-

1968 (1) APPLICATION.-A reply submitted in response to an  
1969 invitation to negotiate must include a sworn application in the  
1970 format prescribed by the commission. The application must  
1971 include the following information:

1972 (a)1. The name, business address, telephone number, social

580-01687B-12

2012710c1

1973 security number, and, where applicable, federal tax  
1974 identification number of the applicant and each qualifier; and

1975 2. Information, documentation, and assurances concerning  
1976 financial background and resources as may be required to  
1977 establish the financial stability, integrity, and responsibility  
1978 of the applicant. This includes business and personal income and  
1979 disbursement schedules, tax returns and other reports filed with  
1980 governmental agencies, and business and personal accounting and  
1981 check records and ledgers. In addition, each applicant must  
1982 provide written authorization for the examination of all bank  
1983 accounts and records as may be deemed necessary by the  
1984 commission.

1985 (b) The identity and, if applicable, the state of  
1986 incorporation or registration of any business in which the  
1987 applicant or a qualifier has an equity interest of more than 5  
1988 percent. If the applicant or qualifier is a corporation,  
1989 partnership, or other business entity, the applicant or  
1990 qualifier must identify any other corporation, partnership, or  
1991 other business entity in which it has an equity interest of more  
1992 than 5 percent, including, if applicable, the state of  
1993 incorporation or registration.

1994 (c) Documentation, as required by the commission, that the  
1995 applicant has received conceptual approval of the destination  
1996 resort proposal from the municipality and county in which the  
1997 resort will be located.

1998 (d) A statement as to whether the applicant or a qualifier  
1999 has developed and operated a similar gaming facility within a  
2000 highly regulated domestic jurisdiction that allows similar forms  
2001 of development, including a description of the gaming facility,

580-01687B-12

2012710c1

2002 the gaming facility's gross revenue, and the amount of revenue  
2003 the gaming facility has generated for state and local  
2004 governments within that jurisdiction.

2005 (e) A statement as to whether the applicant or a qualifier  
2006 has been indicted, convicted of, pled guilty or nolo contendere  
2007 to, or forfeited bail for any felony or for a misdemeanor  
2008 involving gambling, theft, or fraud. The statement must include  
2009 the date, the name and location of the court, the arresting  
2010 agency, the prosecuting agency, the case caption, the docket  
2011 number, the nature of the offense, the disposition of the case,  
2012 and, if applicable, the location and length of incarceration.

2013 (f) A statement as to whether the applicant or a qualifier  
2014 has ever been granted any license or certificate in any  
2015 jurisdiction which has been restricted, suspended, revoked, not  
2016 renewed, or otherwise subjected to discipline. The statement  
2017 must describe the facts and circumstances concerning that  
2018 restriction, suspension, revocation, nonrenewal, or discipline,  
2019 including the licensing authority, the date each action was  
2020 taken, and an explanation of the circumstances for each  
2021 disciplinary action.

2022 (g) A statement as to whether the applicant or qualifier  
2023 has, as a principal or a controlling shareholder, within the  
2024 last 10 years, filed for protection under the Federal Bankruptcy  
2025 Code or had an involuntary bankruptcy petition filed against it.

2026 (h) A statement as to whether the applicant or qualifier  
2027 has, within the last 5 years, been adjudicated by a court or  
2028 tribunal for failure to pay any income, sales, or gross receipts  
2029 tax due and payable under federal, state, or local law, or under  
2030 the laws of any applicable foreign jurisdiction, after

580-01687B-12

2012710c1

2031 exhaustion of all appeals or administrative remedies. This  
2032 statement must identify the amount and type of the tax and the  
2033 time periods involved and must describe the resolution of the  
2034 nonpayment.

2035 (i) A list of the names and titles of any public officials  
2036 or officers of any unit of state government or of the local  
2037 government or governments in the county or municipality in which  
2038 the proposed resort is to be located, and the spouses, parents,  
2039 and children of those public officials or officers, who,  
2040 directly or indirectly, own any financial interest in, have any  
2041 beneficial interest in, are the creditors of, hold any debt  
2042 instrument issued by the applicant or a qualifier, or hold or  
2043 have an interest in any contractual or service relationship with  
2044 the applicant or qualifier. As used in this paragraph, the terms  
2045 "public official" and "officer" do not include a person who  
2046 would be listed solely because the person is a member of the  
2047 Florida National Guard.

2048 (j) The name and business telephone number of, and a  
2049 disclosure of fees paid to any attorney, lobbyist, employee,  
2050 consultant, or other person who has represented the applicant's  
2051 interests in the state for 3 years prior to the effective date  
2052 of this section or who is representing an applicant before the  
2053 commission during the application process.

2054 (k) A description of the applicant's history of and  
2055 proposed plan for community involvement or investment in the  
2056 community where the resort having a limited gaming facility  
2057 would be located.

2058 (l) A description of the applicant's proposed resort,  
2059 including a map documenting the location of the facility within

580-01687B-12

2012710c1

2060 the specific county or counties; a statement regarding the  
2061 compliance of the applicant with state, regional, and local  
2062 planning and zoning requirements; a description of the economic  
2063 benefit to the community in which the facility would be located;  
2064 the anticipated number of jobs generated by construction of the  
2065 facility; the anticipated number of employees; a statement  
2066 regarding how the applicant would comply with federal and state  
2067 affirmative action guidelines; a projection of admissions or  
2068 attendance at the limited gaming facility; a projection of gross  
2069 receipts; and scientific market research pertaining to the  
2070 proposed facility, if any.

2071 (m) Proof of a countywide referendum has been approved  
2072 prior to the application deadline by the electors of the county  
2073 authorizing limited gaming as defined in this chapter in that  
2074 county.

2075 (n) A schedule or timeframe for completing the resort.

2076 (o) A plan for training residents of this state for jobs at  
2077 the resort. The job-training plan must provide training to  
2078 enable low-income persons to qualify for jobs at the resort.

2079 (p) The identity of each person, association, trust, or  
2080 corporation or partnership having a direct or indirect equity  
2081 interest in the applicant of greater than 5 percent. If  
2082 disclosure of a trust is required under this paragraph, the  
2083 names and addresses of the beneficiaries of the trust must also  
2084 be disclosed. If the identity of a corporation must be  
2085 disclosed, the names and addresses of all stockholders and  
2086 directors must also be disclosed. If the identity of a  
2087 partnership must be disclosed, the names and addresses of all  
2088 partners, both general and limited, must also be disclosed.



580-01687B-12

2012710c1

2089       (q) A destination resort and limited gaming facility  
2090 development plan and projected investment of \$2 billion pursuant  
2091 to s. 551.309 for a destination resort and a limited gaming  
2092 facility development plan for a pari-mutuel facility.

2093       (r) The fingerprints of all officers or directors of the  
2094 applicant and qualifiers, and any persons exercising operational  
2095 or managerial control of the applicant, as determined by rule of  
2096 the department, for a criminal history record check.

2097       (s) A statement outlining the organization's diversity  
2098 plan.

2099       (t) A listing of all gaming licenses and permits the  
2100 applicant or qualifier currently possesses.

2101       (u) A listing of former or inactive officers, directors,  
2102 partners, and trustees.

2103       (v) A listing of all affiliated business entities or  
2104 holding companies, including nongaming interests.

2105       (w) Any other information the commission may deem  
2106 appropriate or require during the application process as  
2107 provided by rule.

2108       (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any  
2109 other provision of law, the commission is the sole authority for  
2110 determining the information or documentation that must be  
2111 included in an application for a resort license or in an  
2112 application to renew a resort license. Such documentation and  
2113 information may relate to: demographics, education, work  
2114 history, personal background, criminal history, finances,  
2115 business information, complaints, inspections, investigations,  
2116 discipline, bonding, photographs, performance periods,  
2117 reciprocity, local government approvals, supporting

580-01687B-12

2012710c1

2118 documentation, periodic reporting requirements, and fingerprint  
2119 requirements.

2120 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall  
2121 be supplemented as needed to reflect any material change in any  
2122 circumstance or condition stated in the application which takes  
2123 place between the initial filing of the application and the  
2124 final grant or denial of the license. Any submission required to  
2125 be in writing may otherwise be required by the commission to be  
2126 made by electronic means.

2127 (4) APPLICATION FEES.—

2128 (a) The application for a resort license or limited gaming  
2129 license must be submitted along with a nonrefundable application  
2130 fee of \$1 million to be used by the commission to defray costs  
2131 associated with the review and investigation of the application  
2132 and to conduct a background investigation of the applicant and  
2133 each qualifier. If the cost of the review and investigation  
2134 exceeds \$1 million, the applicant must pay the additional amount  
2135 to the commission within 30 days after the receipt of a request  
2136 for an additional payment.

2137 (b) The application for a destination resort license or  
2138 limited gaming license must be submitted with a one-time fee of  
2139 \$125 million. If the commission denies the application, the  
2140 commission must refund the fee within 30 days after the denial  
2141 of the application. If the applicant withdraws the application  
2142 after the application deadline established by the commission,  
2143 the commission must refund 80 percent of the fee within 30 days  
2144 after the application is withdrawn.

2145 (c) All fees collected under this subsection shall be  
2146 deposited into the Destination Resort Trust Fund.

580-01687B-12

2012710c1

2147 Section 23. Section 551.311, Florida Statutes, is created  
2148 to read:

2149 551.311 Incomplete applications.-

2150 (1) An incomplete application for a resort license may be  
2151 grounds for the denial of the application.

2152 (2) (a) If the commission determines that an application for  
2153 a resort license is incomplete, the executive director shall  
2154 immediately provide written notice to the applicant of the  
2155 incomplete items. The applicant may then request an informal  
2156 conference with the executive director or his or her designee to  
2157 discuss the application.

2158 (b) The executive director may provide the applicant an  
2159 extension of 30 days to complete the application following the  
2160 date of the informal conference. If the executive director finds  
2161 that the application has not been completed within the  
2162 extension, the applicant may appeal the finding to the  
2163 commission. During an extension or the pendency of an appeal to  
2164 the commission, the award of resort licenses in the applicable  
2165 county is stayed.

2166 Section 24. Section 551.312, Florida Statutes, is created  
2167 to read:

2168 551.312 Institutional investors as qualifiers.-

2169 (1) (a) An application for a resort license that has an  
2170 institutional investor as a qualifier need not contain  
2171 information relating to the institutional investor, other than  
2172 the identity of the investor, if the institutional investor  
2173 holds less than 15 percent of the equity or debt securities and  
2174 files a certified statement that the institutional investor does  
2175 not intend to influence or affect the affairs of the applicant

580-01687B-12

2012710c1

2176 or an affiliate of the applicant and that its holdings of  
2177 securities of the applicant or affiliate were purchased for  
2178 investment purposes only.

2179 (b) The commission may limit the application requirements  
2180 as provided in this subsection for an institutional investor  
2181 that is a qualifier and that holds 5 percent or more of the  
2182 equity or debt securities of an applicant or affiliate of the  
2183 applicant upon a showing of good cause and if the conditions  
2184 specified in paragraph (a) are satisfied.

2185 (2) An institutional investor that is exempt from the full  
2186 application requirements under this section and that  
2187 subsequently intends to influence or affect the affairs of the  
2188 issuer must first notify the commission of its intent and file  
2189 an application containing all of the information that would have  
2190 been required of the institutional investor in the application  
2191 for a resort license. The commission may deny the application if  
2192 it determines that granting the application will impair the  
2193 financial stability of the licensee or impair the ability of the  
2194 licensee to comply with its development plans or other plans  
2195 submitted to the commission by the applicant or licensee.

2196 (3) An applicant for a license or a resort licensee or  
2197 affiliate shall immediately notify the commission of any  
2198 information concerning an institutional investor holding its  
2199 equity or debt securities which may disqualify an institutional  
2200 investor from having a direct or indirect interest in the  
2201 applicant or licensee, and the commission may require the  
2202 institutional investor to file all information that would have  
2203 been required of the institutional investor in the application  
2204 for a license.

580-01687B-12

2012710c1

2205       (4) If the commission finds that an institutional investor  
2206 that is a qualifier fails to comply with the requirements of  
2207 subsection (1) or, if at any time the commission finds that by  
2208 reason of the extent or nature of its holdings an institutional  
2209 investor is in a position to exercise a substantial impact upon  
2210 the controlling interests of a licensee, the commission may  
2211 require the institutional investor to file an application  
2212 containing all of information that would have been required of  
2213 the institutional investor in the application for a license.

2214       (5) Notwithstanding paragraph (1)(b), an institutional  
2215 investor may vote on all matters that are put to the vote of the  
2216 outstanding security holders of the applicant or licensee.

2217       Section 25. Section 551.313, Florida Statutes, is created  
2218 to read:

2219       551.313 Lenders and underwriters; exemption as qualifiers.—  
2220 A bank, lending institution, or underwriter in connection with  
2221 any bank or lending institution that, in the ordinary course of  
2222 business, makes a loan to, or holds a security interest in, a  
2223 licensee or applicant, a supplier licensee or applicant or its  
2224 subsidiary, or direct or indirect parent company of any such  
2225 bank, lending institution, or underwriter is not a qualifier and  
2226 is not required to be licensed.

2227       Section 26. Section 551.3135, Florida Statutes, is created  
2228 to read:

2229       551.3135 Authorization of limited gaming at licensed pari-  
2230 mutuel facilities.—

2231       (1) Notwithstanding any other provision of law, the  
2232 commission may award a limited gaming license authorizing  
2233 limited gaming in a licensed pari-mutuel facility only if a

580-01687B-12

2012710c1

2234 majority of the electors voting in a countywide referendum have  
2235 passed a referendum allowing for limited gaming before December  
2236 31, 2014. If limited gaming is authorized through the award of a  
2237 limited gaming license, the pari-mutuel facility may possess  
2238 slot machines and other authorized gaming devices and conduct  
2239 limited gaming at the licensed location. Notwithstanding any  
2240 other provision of law, a person who is at least 21 years of age  
2241 may lawfully participate in authorized games at a facility  
2242 licensed to possess authorized limited gaming devices and  
2243 conduct limited gaming or to participate in limited gaming as  
2244 described in this part.

2245 (2) A limited gaming license may be issued only to a  
2246 licensed pari-mutuel permitholder located in a county where a  
2247 resort license has been issued, and limited gaming may be  
2248 conducted only at the pari-mutuel facility at which the  
2249 permitholder conducted a full schedule of live pari-mutuel  
2250 racing or games prior to January 15, 2012.

2251 (3) As a condition of licensure and to maintain continued  
2252 authority for the conduct of limited gaming, the pari-mutuel  
2253 permitholder shall:

2254 (a) Continue to be in compliance with this chapter, where  
2255 applicable.

2256 (b) Continue to be in compliance with chapter 550, where  
2257 applicable, and maintain the pari-mutuel permit and license in  
2258 good standing pursuant to the provisions of chapter 550.

2259 (c) Conduct no fewer than a full schedule of live racing or  
2260 games as defined in s. 550.002(11). A permitholder's  
2261 responsibility to conduct such number of live races or games  
2262 shall be reduced by the number of races or games that could not

580-01687B-12

2012710c1

2263 be conducted due to the direct result of fire, war, hurricane,  
2264 or other disaster or event beyond the control of the  
2265 permitholder.

2266 (4) An application for a limited gaming license shall be on  
2267 the form required by the commission, accompanied by the  
2268 application fee required for destination resort licensees under  
2269 s. 551.310(4). Applicants must also submit fingerprints, as  
2270 required by this part, for a criminal history record check.  
2271 Initial and renewal applications for limited gaming licenses  
2272 must contain all information that the department by rule  
2273 determines is required to ensure eligibility, including  
2274 requirements under s. 551.309(3) and (4).

2275 (5) If limited gaming is authorized at the pari-mutuel  
2276 facility by referendum, the pari-mutuel may not offer limited  
2277 gaming until authorized by the commission. The commission may  
2278 not authorize any pari-mutuel facility to begin limited gaming  
2279 until a destination resort has begun to offer the play of  
2280 limited gaming to the public as authorized by the commission.  
2281 For purposes of this section, "authorization" to begin limited  
2282 gaming for a pari-mutuel resort is the announced opening date of  
2283 the destination resort, or the actual opening date, whichever  
2284 occurs first.

2285 (6) If limited gaming is authorized, the pari-mutuel  
2286 facility must apply for a license under s. 551.310 and meet the  
2287 requirements of that section. Licensed pari-mutuel facilities  
2288 that are authorized to conduct limited gaming shall be subject  
2289 to the jurisdiction of the department and this part, except that  
2290 ss. 551.307, 551.308, 551.309, 551.311, 551.312, and 551.313  
2291 shall not apply to the extent that those sections relate to the

580-01687B-12

2012710c1

2292 awarding of destination resort licenses.

2293 (7) (a) All limited gaming shall be conducted in a limited  
2294 gaming floor that is segregated from the rest of the pari-mutuel  
2295 facility so that patrons may have ingress and egress to the  
2296 pari-mutuel facility without entering the designated limited  
2297 gaming floor.

2298 (b) The licensee shall display pari-mutuel races or games  
2299 within the designated limited gaming floor and offer patrons  
2300 within the designated limited gaming floor the ability to engage  
2301 in pari-mutuel wagering on live, intertrack, and simulcast races  
2302 conducted or offered to patrons of the licensed facility.

2303 (c) The designated limited gaming floor may be located  
2304 within the current pari-mutuel facility or in an existing  
2305 building that must be contiguous and connected to the pari-  
2306 mutuel facility. If a designated limited gaming floor is to be  
2307 located in a building that is to be constructed, that new  
2308 building must be contiguous and connected to the pari-mutuel  
2309 facility. The limited gaming floor may not exceed 10 percent of  
2310 the total property of the pari-mutuel facility.

2311 Section 27. Section 551.314, Florida Statutes, is created  
2312 to read:

2313 551.314 Conditions for a resort and limited gaming  
2314 license.—As a condition to licensure and to maintain continuing  
2315 authority, a licensee must:

2316 (1) Comply with this part and the rules of the department.

2317 (2) Allow the department and the Department of Law  
2318 Enforcement unrestricted access to and right of inspection of  
2319 facilities of the licensee in which any activity relative to the  
2320 conduct of gaming is conducted.



580-01687B-12

2012710c1

2321 (3) Complete the resort in accordance with the plans and  
2322 timeframe proposed to the commission in its application, unless  
2323 an extension is granted by the commission. The commission may  
2324 grant such an extension, not to exceed 1 year after the original  
2325 planned completion date, upon good cause shown by the licensee.

2326 (4) Ensure that the facilities-based computer system that  
2327 the licensee will use for operational and accounting functions  
2328 of the facility is specifically structured to facilitate  
2329 regulatory oversight. The facilities-based computer system shall  
2330 be designed to provide the department and the Department of Law  
2331 Enforcement with the ability to monitor, at any time on a real-  
2332 time basis, the wagering patterns, payouts, tax collection, and  
2333 such other operations as necessary to determine whether the  
2334 facility is in compliance with statutory provisions and rules  
2335 adopted by the department for the regulation and control of  
2336 gaming. The department and the Department of Law Enforcement  
2337 shall have complete and continuous access to this system. Such  
2338 access shall include the ability of either the department or the  
2339 Department of Law Enforcement to suspend play immediately on  
2340 particular slot machines or gaming devices if monitoring of the  
2341 system indicates possible tampering or manipulation of those  
2342 slot machines or gaming devices or the ability to suspend play  
2343 immediately of the entire operation if the tampering or  
2344 manipulation is of the computer system itself. The computer  
2345 system shall be reviewed and approved by the department to  
2346 ensure necessary access, security, and functionality. However,  
2347 neither the commission nor the Department of Law Enforcement  
2348 shall have the ability to alter any data. The department may  
2349 adopt rules to provide for the approval process.

580-01687B-12

2012710c1

2350       (5) Ensure that each table game, slot machine, or other  
2351 gaming device is protected from manipulation or tampering that  
2352 may affect the random probabilities of winning plays. The  
2353 department or the Department of Law Enforcement may suspend play  
2354 upon reasonable suspicion of any manipulation or tampering. If  
2355 play has been suspended on any table game, slot machine, or  
2356 other gaming device, the department or the Department of Law  
2357 Enforcement may conduct an examination to determine whether the  
2358 table game, machine, or other gaming device has been tampered  
2359 with or manipulated and whether the table game, machine, or  
2360 other gaming device should be returned to operation.

2361       (6) Submit a security plan, including the facilities' floor  
2362 plans, the locations of security cameras, and a listing of all  
2363 security equipment that is capable of observing and  
2364 electronically recording activities being conducted in the  
2365 facilities of the licensee. The security plan must meet the  
2366 minimum security requirements as determined by the department  
2367 and be implemented before the operation of gaming. The  
2368 licensee's facilities must adhere to the security plan at all  
2369 times. Any changes to the security plan must be submitted by the  
2370 licensee to the department prior to implementation. The  
2371 department shall furnish copies of the security plan and changes  
2372 in the plan to the Department of Law Enforcement.

2373       (7) Create and file with the commission a written policy  
2374 for:

2375       (a) Creating opportunities to purchase from vendors in this  
2376 state.

2377       (b) Creating opportunities for the employment of residents  
2378 of this state.

580-01687B-12

2012710c1

2379       (c) Ensuring opportunities for obtaining construction  
2380 services from residents and vendors in this state.

2381       (d) Ensuring that opportunities for employment are offered  
2382 on an equal, nondiscriminatory basis.

2383       (e) Training employees on responsible gaming and working  
2384 with a compulsive or addictive gambling prevention program.

2385       (f) Implementing a drug-testing program for each  
2386 occupational licensee which includes, but is not limited to,  
2387 requiring such person to sign an agreement that he or she  
2388 understands that the limited gaming facility is a drug-free  
2389 workplace.

2390       (g) Using the Internet-based job-listing system of the  
2391 Department of Economic Opportunity in advertising employment  
2392 opportunities.

2393       (h) Ensuring that the payout percentage of each slot  
2394 machine is at least 85 percent.

2395       (8) File with the department detailed documentation of the  
2396 applicant's, its affiliates', or any holding company's history  
2397 of using labor in any jurisdiction that would fall outside the  
2398 ages defined in chapter 450.

2399       (9) Keep and maintain permanent daily records of its  
2400 limited gaming operations and maintain such records for a period  
2401 of not less than 5 years. These records must include all  
2402 financial transactions and contain sufficient detail to  
2403 determine compliance with the requirements of this part. All  
2404 records shall be available for audit and inspection by the  
2405 department, the Department of Law Enforcement, or other law  
2406 enforcement agencies during the licensee's regular business  
2407 hours.

580-01687B-12

2012710c1

2408       (10) Maintain a designated limited gaming floor that is  
2409 segregated from the rest of the resort facility so that patrons  
2410 may have ingress and egress to the resort facility without  
2411 entering the designated limited gaming floor.

2412           Section 28. Section 551.315, Florida Statutes, is created  
2413 to read:

2414       551.315 Surety bond.—A destination resort licensee and a  
2415 limited gaming licensee must, at its own cost and expense,  
2416 before the license is delivered, give a bond in the penal sum to  
2417 be determined by the department payable to the Governor of the  
2418 state and his or her successors in office. The bond must be  
2419 issued by a surety or sureties approved by the department and  
2420 the Chief Financial Officer and the bond must be conditioned on  
2421 the licensee faithfully making the required payments to the  
2422 Chief Financial Officer in his or her capacity as treasurer of  
2423 the commission, keeping the licensee's books and records and  
2424 make reports as provided, and conducting its limited gaming  
2425 activities in conformity with this part. The department shall  
2426 fix the amount of the bond at the total amount of annual license  
2427 fees and the taxes estimated to become due as determined by the  
2428 department. In lieu of a bond, an applicant or licensee may  
2429 deposit with the department a like amount of funds, a savings  
2430 certificate, a certificate of deposit, an investment  
2431 certificate, or a letter of credit from a bank, savings bank,  
2432 credit union, or savings and loan association situated in this  
2433 state which meets the requirements set for that purpose by the  
2434 Chief Financial Officer. If security is provided in the form of  
2435 a savings certificate, a certificate of deposit, or an  
2436 investment certificate, the certificate must state that the

580-01687B-12

2012710c1

2437 amount is unavailable for withdrawal except upon order of the  
2438 department. The department may review the bond or other security  
2439 for adequacy and require adjustments, including increasing the  
2440 amount of the bond and other security. The department may adopt  
2441 rules to administer this section and establish guidelines for  
2442 such bonds or other securities.

2443 Section 29. Section 551.316, Florida Statutes, is created  
2444 to read:

2445 551.316 Conduct of limited gaming.—

2446 (1) Limited gaming may be conducted by a licensee, subject  
2447 to the following:

2448 (a) The site of the limited gaming facility is limited to  
2449 the licensee's site location as approved by the commission.

2450 (b) The department's agents and employees may enter and  
2451 inspect a limited gaming facility or other facilities relating  
2452 to a licensee's gaming operations at any time for the purpose of  
2453 determining whether the licensee is in compliance with this  
2454 part.

2455 (c) A licensee may lease or purchase gaming devices,  
2456 equipment, or supplies customarily used in conducting gaming  
2457 only from a licensed supplier.

2458 (d) A licensee may not permit any form of wagering on games  
2459 except as permitted by this part.

2460 (e) A licensee may receive wagers only from a person  
2461 present in the limited gaming facility.

2462 (f) A licensee may not permit wagering using money or other  
2463 negotiable currency except for wagering on slot machines.

2464 (g) A licensee may not permit a person who has not attained  
2465 21 years of age to engage in gaming activity or remain in an

580-01687B-12

2012710c1

2466 area of a limited gaming facility where gaming is being  
2467 conducted, except for a limited gaming employee of the resort  
2468 licensee who is at least 18 years of age.

2469 (h) A licensee may not sell or distribute tokens, chips, or  
2470 electronic cards used to make wagers outside the limited gaming  
2471 facility. The tokens, chips, or electronic cards may be  
2472 purchased by means of an agreement under which the licensee  
2473 extends credit to a wagerer. The tokens, chips, or electronic  
2474 cards may be used only for the purpose of making wagers on games  
2475 within a limited gaming facility.

2476 (i) A licensee may not conduct business with a junket  
2477 enterprise, except for a junket operator employed full time by  
2478 that licensee.

2479 (j) All gaming activities must be conducted in accordance  
2480 with department rules.

2481 (k) Limited gaming may not be conducted by a destination  
2482 resort licensee until the destination resort is completed  
2483 according to the proposal approved by the commission.

2484 (2) A limited gaming facility may operate 24 hours per day,  
2485 every day of the year.

2486 (3) A licensee may set the minimum and maximum wagers on  
2487 all games.

2488 (4) A licensee shall give preference in employment,  
2489 reemployment, promotion, and retention to veterans and to the  
2490 persons included under s. 295.07(1) who possess the minimum  
2491 qualifications necessary to perform the duties of the positions  
2492 involved.

2493 (5) A licensee and its affiliates, directors, and employees  
2494 shall be subject to all applicable federal, state, and local

580-01687B-12

2012710c1

2495 laws. Such licensees, affiliates, directors, and employees shall  
2496 subject themselves to jurisdiction of the Federal Government and  
2497 the government of this state and acceptance of a license shall  
2498 be considered an affirmative waiver of extradition to the United  
2499 States from a foreign country.

2500 (6) The licensee shall report any suspicious transaction or  
2501 activity to the department and other law enforcement agency, as  
2502 appropriate.

2503 (7) A licensee may not install, own, or operate, or allow  
2504 another person to install, own, or operate on the premises of  
2505 the licensed facility a slot machine or table game that is  
2506 played with a device that allows a player to operate the slot  
2507 machine or table game by transferring funds electronically from  
2508 a debit card or credit card or by means of an electronic funds  
2509 transfer terminal. As used in this subsection, the term  
2510 "electronic funds transfer terminal" means an information-  
2511 processing device or an automatic teller machine used for  
2512 executing deposit account transactions between financial  
2513 institutions and their account holders by either the direct  
2514 transmission of electronic impulses or the recording of  
2515 electronic impulses for delayed processing. The fact that a  
2516 device is used for other purposes shall not prevent it from  
2517 being considered an electronic funds transfer terminal under  
2518 this definition.

2519 (8) The department may renew a destination resort if the  
2520 destination resort licensee has demonstrated an effort to  
2521 increase tourism, generate jobs, provide revenue to the local  
2522 economy, and provide revenue to the state General Revenue Fund.

2523 (9) The department shall renew a destination resort and

580-01687B-12

2012710c1

2524 limited gaming license if:

2525 (a) The department has not suspended or revoked the license  
2526 of the licensee.

2527 (b) The licensee continues to satisfy all the requirements  
2528 for licensure.

2529 Section 30. Section 551.317, Florida Statutes, is created  
2530 to read:

2531 551.317 Prohibited acts; penalties.—

2532 (1) It is unlawful for a person to willfully:

2533 (a) Fail to report, pay, or truthfully account for and  
2534 remit any license fee, authorization fee, tax, or assessment  
2535 imposed under this part; or

2536 (b) Attempt in any manner to evade any license fee,  
2537 authorization fee, tax, or assessment imposed under this part.

2538 (2) It is unlawful for any licensed entity, gaming  
2539 employee, key employee, or any other person to permit a slot  
2540 machine, table game, or table game device to be operated,  
2541 transported, repaired, or opened on the premises of a licensed  
2542 facility by a person other than a person licensed or permitted  
2543 by the commission under this part.

2544 (3) It is unlawful for any licensed entity or other person  
2545 to manufacture, supply, or place slot machines, table games,  
2546 table game devices, or associated equipment into play or display  
2547 slot machines, table games, table game devices, or associated  
2548 equipment on the premises of a licensed facility without the  
2549 authority of the commission.

2550 (4) It is unlawful for a licensed entity or other person to  
2551 manufacture, supply, operate, carry on, or expose for play any  
2552 slot machine, table game, table game device, or associated



580-01687B-12

2012710c1

2553 equipment after the person's license has expired and prior to  
2554 the actual renewal of the license.

2555 (5) Except as set forth in this subsection, it is unlawful  
2556 for an individual while on the premises of a licensed facility  
2557 to knowingly use currency other than lawful coin or legal tender  
2558 of the United States or a coin not of the same denomination as  
2559 the coin intended to be used in the slot machine with the intent  
2560 to cheat or defraud a licensed gaming entity or the commission  
2561 or damage the slot machine. In the playing of a slot machine, it  
2562 is lawful for an individual to use gaming billets, tokens, or  
2563 similar objects issued by the licensed gaming entity which are  
2564 approved by the commission.

2565 (6) Except as set forth in this subsection, it is unlawful  
2566 for an individual to use or possess a cheating or thieving  
2567 device, counterfeit or altered billet, ticket, token, or similar  
2568 objects accepted by a slot machine, or counterfeit or altered  
2569 slot machine-issued tickets or vouchers at a licensed facility.  
2570 An authorized employee of a licensee or an employee of the  
2571 department may possess and use a cheating or thieving device,  
2572 counterfeit or altered billet, ticket, token, or similar objects  
2573 accepted by a slot machine, or counterfeit or altered slot  
2574 machine-issued tickets or vouchers in performance of the duties  
2575 of employment.

2576 (7) It is unlawful for an individual to use or possess  
2577 counterfeit, marked, loaded, or tampered with table game devices  
2578 or associated equipment, chips, or other cheating devices in the  
2579 conduct of gaming under this part, except that an authorized  
2580 employee of a licensee or an authorized employee of the  
2581 commission or department may possess and use counterfeit chips

580-01687B-12

2012710c1

2582 or table game devices or associated equipment that have been  
2583 marked, loaded, or tampered with, or other cheating devices in  
2584 performance of the duties of employment for training,  
2585 investigative, or testing purposes only.

2586 (8) It is unlawful for an individual to knowingly, by a  
2587 trick or sleight of hand performance or by fraud or fraudulent  
2588 scheme, table game device, or other device, for himself or  
2589 herself or for another, win or attempt to win any cash,  
2590 property, or prize at a licensed facility or to reduce or  
2591 attempt to reduce a losing wager.

2592 (9) Except as set forth in this subsection, it is unlawful  
2593 for an individual to knowingly possess or use while on the  
2594 premises of a licensed facility a key or device designed for the  
2595 purpose of and suitable for opening or entering any slot  
2596 machine, drop box, or coin box that is located on the premises  
2597 of the licensed facility. An authorized employee of a licensee,  
2598 commission, or department may possess and use a device referred  
2599 to in this subsection in the performance of the duties of  
2600 employment.

2601 (10) It is unlawful for a person or licensed entity to  
2602 possess any device, equipment, or material that the person or  
2603 licensed entity knows has been manufactured, distributed, sold,  
2604 tampered with, or serviced in violation of the provisions of  
2605 this part with the intent to use the device, equipment, or  
2606 material as though it had been manufactured, distributed, sold,  
2607 tampered with, or serviced pursuant to this part.

2608 (11) It is unlawful for a person to sell, offer for sale,  
2609 represent, or pass off as lawful any device, equipment, or  
2610 material that the person or licensed entity knows has been

580-01687B-12

2012710c1

2611 manufactured, distributed, sold, tampered with, or serviced in  
2612 violation of this part.

2613 (12) It is unlawful for an individual to work or be  
2614 employed in a position the duties of which would require  
2615 licensing or permitting under the provisions of this part  
2616 without first obtaining the requisite license or permit issued  
2617 under the provisions of this part.

2618 (13) It is unlawful for a licensed entity to employ or  
2619 continue to employ an individual in a position the duties of  
2620 which require a license or permit under the provisions of this  
2621 part if the individual:

2622 (a) Is not licensed or permitted under the provisions of  
2623 this part; or

2624 (b) Is prohibited from accepting employment from a  
2625 licensee.

2626 (14) It is unlawful for an individual to claim, collect, or  
2627 take, or attempt to claim, collect, or take, money or anything  
2628 of value in or from a slot machine, gaming table, or other table  
2629 game device, with the intent to defraud, or to claim, collect,  
2630 or take an amount greater than the amount won, or to manipulate  
2631 with the intent to cheat, any component of any slot machine,  
2632 table game, or table game device in a manner contrary to the  
2633 designed and normal operational purpose.

2634 (15) A person who violates this section commits a  
2635 misdemeanor of the first degree, punishable as provided in s.  
2636 775.082 or s. 775.083. A person who is convicted of a second or  
2637 subsequent violation of this section commits a felony of the  
2638 third degree, punishable as provided in s. 775.082, s. 775.083,  
2639 or s. 775.084.

580-01687B-12

2012710c1

2640 Section 31. Section 551.318, Florida Statutes, is created  
2641 to read:

2642 551.318 License fee; tax rate; disposition.—

2643 (1) LICENSE FEE.—On the anniversary date of the issuance of  
2644 the initial license and annually thereafter, the licensee must  
2645 pay to the department a nonrefundable annual license fee of \$5  
2646 million. The license shall be renewed annually, unless the  
2647 department has revoked the license for a violation of this part  
2648 or rule of the department. The license fee shall be deposited  
2649 into the Destination Resort Trust Fund to be used by the  
2650 department and the Department of Law Enforcement for  
2651 investigations, regulation of limited gaming, and enforcement of  
2652 this part.

2653 (2) GROSS RECEIPTS TAX.—

2654 (a) Each licensee shall pay a gross receipts tax on its  
2655 gross receipts to the state. Upon completion of the destination  
2656 resort and before limited gaming may be conducted, the  
2657 destination resort licensee must submit proof, as required by  
2658 the commission, of the total investment made in the construction  
2659 of the resort. The gross receipts tax rate shall be 10 percent  
2660 of the gross receipts. Payment for the gross receipts tax  
2661 imposed by this section shall be paid to the department.

2662 (b) The gross receipts tax shall be distributed as follows:

2663 1. Ninety-seven and 1/2 percent shall be deposited into the  
2664 General Revenue Fund.

2665 2. Two percent shall be paid to the Florida Thoroughbred  
2666 Breeders' Association, Inc., for the payment of breeders',  
2667 stallion, and special racing awards, including the  
2668 administrative fee authorized in s. 550.2625(3), on live

580-01687B-12

2012710c1

2669 thoroughbred races conducted at licensed thoroughbred pari-  
2670 mutuel facilities. These funds, to be governed by the board of  
2671 directors of the Florida Thoroughbred Breeders' Association,  
2672 Inc., may provide for, but not be limited to, capital  
2673 expenditures that will drive economic growth and continue to  
2674 provide jobs for the Ocala and Marion County area and for  
2675 Florida's thoroughbred industry, including the rehabilitation or  
2676 retirement of thoroughbred racehorses, equine research and  
2677 education, and civic and industry-related service organizations  
2678 and charities, while continuing the preservation of more than  
2679 100,000 acres in production for thoroughbred breeding, training,  
2680 and other equine activities. The amounts provided shall be  
2681 remitted monthly.

2682 3. One-half percent shall be deposited to the credit of the  
2683 Grants and Donations Trust Fund in the Department of Veterans'  
2684 Affairs for use by the Department of Veterans' Affairs in  
2685 accordance with s. 292.05.

2686 (c) The licensee shall remit to the department payment for  
2687 the gross receipts tax by 3 p.m. on the 5th day of each calendar  
2688 month. If the 5th day of the calendar month falls on a weekend,  
2689 payments shall be remitted by 3 p.m. the first Monday following  
2690 the weekend. The licensee shall file a report under oath by the  
2691 5th day of each calendar month for all taxes remitted during the  
2692 preceding calendar month. Such report shall be made under oath  
2693 showing all gaming activities for the preceding calendar month  
2694 and such other information as may be prescribed by the  
2695 department.

2696 (d) The department may require licensees to remit taxes,  
2697 fees, fines, and assessments by electronic funds transfer.

580-01687B-12

2012710c1

2698       (e) The gross receipts tax is in lieu of any other state  
2699 taxes on gross or adjusted gross receipts of a licensee.

2700       Section 32. Section 551.3185, Florida Statutes, is created  
2701 to read:

2702       551.3185 Disposition of trust fund moneys.—On June 30, any  
2703 unappropriated funds in excess of \$10 million in the Destination  
2704 Resort Trust Fund collected pursuant to this part shall be  
2705 deposited with the Chief Financial Officer to the credit of the  
2706 General Revenue Fund.

2707       Section 33. Section 551.319, Florida Statutes, is created  
2708 to read:

2709       551.319 Fingerprint requirements.—Any fingerprints required  
2710 to be taken under this part must be taken in a manner approved  
2711 by, and shall be submitted electronically by the department to,  
2712 the Department of Law Enforcement. The Department of Law  
2713 Enforcement shall submit the results of the state and national  
2714 records check to the department. The department shall consider  
2715 the results of the state and national records check in  
2716 evaluating an application for any license.

2717       (1) The cost of processing fingerprints and conducting a  
2718 criminal history record check shall be borne by the applicant.  
2719 The Department of Law Enforcement may submit a monthly invoice  
2720 to the department for the cost of processing the fingerprints  
2721 submitted.

2722       (2) All fingerprints submitted to the Department of Law  
2723 Enforcement pursuant to this part shall be retained by the  
2724 Department of Law Enforcement and entered into the statewide  
2725 automated fingerprint identification system as authorized by s.  
2726 943.05(2) (b) and shall be available for all purposes and uses

580-01687B-12

2012710c1

2727 authorized for arrest fingerprint cards entered into the  
2728 statewide automated fingerprint identification system pursuant  
2729 to s. 943.051.

2730 (3) The Department of Law Enforcement shall search all  
2731 arrest fingerprints received pursuant to s. 943.051 against the  
2732 fingerprints retained in the statewide automated fingerprint  
2733 identification system. Any arrest record that is identified with  
2734 the retained fingerprints of a person subject to the criminal  
2735 history screening under this part shall be reported to the  
2736 department. Each licensee shall pay a fee to the department for  
2737 the cost of retention of the fingerprints and the ongoing  
2738 searches under this subsection. The department shall forward the  
2739 payment to the Department of Law Enforcement. The amount of the  
2740 fee to be imposed for performing these searches and the  
2741 procedures for the retention of licensee fingerprints shall be  
2742 as established by rule of the Department of Law Enforcement. The  
2743 department shall inform the Department of Law Enforcement of any  
2744 change in the license status of licensees whose fingerprints are  
2745 retained under subsection (2).

2746 (4) The department shall request the Department of Law  
2747 Enforcement to forward the fingerprints to the Federal Bureau of  
2748 Investigation for a national criminal history records check  
2749 every 3 years following issuance of a license. If the  
2750 fingerprints of a person who is licensed have not been retained  
2751 by the Department of Law Enforcement, the person must file  
2752 another set of fingerprints. The department shall collect the  
2753 fees for the cost of the national criminal history record check  
2754 under this subsection and shall forward the payment to the  
2755 Department of Law Enforcement. The cost of processing

580-01687B-12

2012710c1

2756 fingerprints and conducting a criminal history record check  
2757 under this subsection shall be borne by the licensee or  
2758 applicant. The Department of Law Enforcement may submit an  
2759 invoice to the department for the fingerprints submitted each  
2760 month. Under penalty of perjury, each person who is licensed or  
2761 who is fingerprinted as required by this section must agree to  
2762 inform the department within 48 hours if he or she is convicted  
2763 of or has entered a plea of guilty or nolo contendere to any  
2764 disqualifying offense, regardless of adjudication.

2765 Section 34. Section 551.321, Florida Statutes, is created  
2766 to read:

2767 551.321 Supplier licenses.-

2768 (1) A person must have a supplier license in order to  
2769 furnish on a regular or continuing basis to a limited gaming  
2770 facility or an applicant for a resort or limited gaming license  
2771 gaming equipment, devices, or supplies or other goods or  
2772 services regarding the operation of limited gaming at the  
2773 facility.

2774 (2) An applicant for a supplier license must apply to the  
2775 department on forms adopted by the department by rule. The  
2776 licensing fee for the initial and annual renewal of the license  
2777 shall be a scale of fees determined by rule of the department  
2778 based on the type of service provided by the supplier but may  
2779 not exceed \$25,000.

2780 (3) An applicant for a supplier license must include in the  
2781 application the fingerprints of the persons identified by  
2782 department rule for the processing of state and national  
2783 criminal history record checks.

2784 (4) (a) An applicant for a supplier license is not eligible



580-01687B-12

2012710c1

2785 for licensure if:

2786 1. A person for whom fingerprinting is required under  
2787 subsection (3) has been convicted of a felony under the laws of  
2788 this state, any other state, or the United States;

2789 2. The applicant knowingly submitted false information in  
2790 the application for a supplier license;

2791 3. The applicant is a member of the commission or an  
2792 employee of the department;

2793 4. The applicant is not a natural person and an officer,  
2794 director, or managerial employee of that person is a person  
2795 described in subparagraphs 1.-3.;

2796 5. The applicant is not a natural person and an employee of  
2797 the applicant participates in the management or operation of  
2798 limited gaming authorized under this part; or

2799 6. The applicant has had a license to own or operate a  
2800 resort facility or pari-mutuel facility in this state, or a  
2801 similar license in any other jurisdiction, revoked.

2802 (b) The department may revoke a supplier license at any  
2803 time it determines that the licensee no longer satisfies the  
2804 eligibility requirements in this subsection.

2805 (5) The department may deny an application for a supplier  
2806 license for any person who:

2807 (a) Is not qualified to perform the duties required of a  
2808 licensee;

2809 (b) Fails to disclose information or knowingly submits  
2810 false information in the application;

2811 (c) Has violated this part or rules of the department; or

2812 (d) Has had a gaming-related license or application  
2813 suspended, restricted, revoked, or denied for misconduct in any

580-01687B-12

2012710c1

2814 other jurisdiction.

2815 (6) A supplier licensee shall:

2816 (a) Furnish to the department a list of all gaming  
2817 equipment, devices, and supplies it offers for sale or lease in  
2818 connection with limited gaming authorized in this part;

2819 (b) Keep books and records documenting the furnishing of  
2820 gaming equipment, devices, and supplies to resort licensees  
2821 separate and distinct from any other business that the supplier  
2822 operates;

2823 (c) File quarterly returns with the department listing all  
2824 sales or leases of gaming equipment, devices, or supplies to  
2825 resort licensees;

2826 (d) Permanently affix its name to all gaming equipment,  
2827 devices, or supplies sold or leased to licensees; and

2828 (e) File an annual report listing its inventories of gaming  
2829 equipment, devices, and supplies, including the locations of  
2830 such equipment.

2831 (7) All gaming devices, equipment, or supplies furnished by  
2832 a licensed supplier must conform to standards adopted by  
2833 department rule.

2834 (8) (a) The department may suspend, revoke, or restrict the  
2835 supplier license of a licensee who:

2836 1. Violates this part or the rules of the department; or

2837 2. Defaults on the payment of any obligation or debt due to  
2838 this state or a county.

2839 (b) The department must revoke the supplier license of a  
2840 licensee for any cause that, if known to the department, would  
2841 have disqualified the applicant from receiving a license.

2842 (9) A supplier licensee may repair gaming equipment,

580-01687B-12

2012710c1

2843 devices, or supplies in a facility owned or leased by the  
2844 licensee.

2845 (10) Gaming devices, equipment, or supplies owned by a  
2846 supplier licensee which are used in an unauthorized gaming  
2847 operation shall be forfeited to the county where the equipment  
2848 is found.

2849 (11) The department may revoke the license or deny the  
2850 application for a supplier license of a person who fails to  
2851 comply with this section.

2852 (12) A person who knowingly makes a false statement on an  
2853 application for a supplier license commits a misdemeanor of the  
2854 first degree, punishable as provided in s. 775.082 or s.  
2855 775.083.

2856 Section 35. Section 551.3215, Florida Statutes, is created  
2857 to read:

2858 551.3215 Manufacturer licenses.—

2859 (1) A person seeking to manufacture slot machines, table  
2860 game devices, and associated equipment for use in this state  
2861 shall apply to the commission for a manufacturer license.

2862 (2) The licensing fee for the initial and annual renewal of  
2863 the license may not exceed \$25,000.

2864 (3) An application for a manufacturer license shall be on  
2865 the form required by the commission, accompanied by the  
2866 application fee, and shall include all of the following:

2867 (a) The name and business address of the applicant and the  
2868 applicant's affiliates, intermediaries, subsidiaries, and  
2869 holding companies; the principals and key employees of each  
2870 business; and a list of employees and their positions within  
2871 each business, as well as any financial information required by

580-01687B-12

2012710c1

2872 the commission.

2873 (b) A statement that the applicant and each affiliate,  
2874 intermediary, subsidiary, or holding company of the applicant  
2875 are not slot machine or resort licensees.

2876 (c) The consent to a background investigation of the  
2877 applicant, its principals, and key employees or other persons  
2878 required by the commission and a release to obtain any and all  
2879 information necessary for the completion of the background  
2880 investigation.

2881 (d) The details of any equivalent license granted or denied  
2882 by other jurisdictions where gaming activities as authorized by  
2883 this part are permitted and consent for the commission to  
2884 acquire copies of applications submitted or licenses issued in  
2885 connection therewith.

2886 (e) The type of slot machines, table game devices, or  
2887 associated equipment to be manufactured or repaired.

2888 (f) Any other information determined by the commission to  
2889 be appropriate.

2890 (4) Upon being satisfied that the requirements of  
2891 subsection (3) have been met, the commission may approve the  
2892 application and grant the applicant a manufacturer license  
2893 consistent with all of the following:

2894 (a) The initial license shall be for a period of 1 year,  
2895 and, if renewed under subsection (6), the license shall be for a  
2896 period of 1 year. Nothing in this paragraph shall relieve the  
2897 licensee of the affirmative duty to notify the commission of any  
2898 changes relating to the status of its license or to any other  
2899 information contained in application materials on file with the  
2900 commission.

580-01687B-12

2012710c1

2901       (b) The license shall be nontransferable.

2902       (c) The applicant must comply with any other condition  
2903 established by the commission.

2904       (5) In the event an applicant for a manufacturer license to  
2905 manufacture table game devices or associated equipment used in  
2906 connection with table games is licensed by the commission under  
2907 this section to manufacture slot machines or associated  
2908 equipment used in connection with slot machines, the commission  
2909 may determine to use an abbreviated process requiring only that  
2910 information determined by the commission to be necessary to  
2911 consider the issuance of a license to manufacture table game  
2912 devices or associated equipment used in connection with table  
2913 games, including financial viability of the applicant. Nothing  
2914 in this section shall be construed to waive any fees associated  
2915 with obtaining a license through the normal application process.  
2916 The commission may use the abbreviated process only if all of  
2917 the following apply:

2918       (a) The manufacturer license was issued by the commission  
2919 within a 24-month period immediately preceding the date the  
2920 manufacturer licensee files an application to manufacture table  
2921 game devices or associated equipment.

2922       (b) The person to whom the manufacturer license was issued  
2923 affirms there has been no material change in circumstances  
2924 relating to the license.

2925       (c) The commission determines, in its sole discretion, that  
2926 there has been no material change in circumstances relating to  
2927 the licensee which necessitates that the abbreviated process not  
2928 be used.

2929       (6) Two months prior to expiration of a manufacturer

580-01687B-12

2012710c1

2930 license, the manufacturer licensee seeking renewal of its  
2931 license shall submit a renewal application accompanied by the  
2932 renewal fee to the commission. If the renewal application  
2933 satisfies the requirements of this section and rules of the  
2934 commission, the commission may renew the licensee's manufacturer  
2935 license. If the commission receives a complete renewal  
2936 application but fails to act upon the renewal application prior  
2937 to the expiration of the manufacturer license, the manufacturer  
2938 license shall continue in effect for an additional 6-month  
2939 period or until acted upon by the commission, whichever occurs  
2940 first.

2941 (7) The following shall apply to a licensed manufacturer:

2942 (a) A manufacturer or its designee, as licensed by the  
2943 commission, may supply or repair any slot machine, table game  
2944 device, or associated equipment manufactured by the  
2945 manufacturer, provided the manufacturer holds the appropriate  
2946 manufacturer license.

2947 (b) A manufacturer of slot machines may contract with a  
2948 supplier to provide slot machines or associated equipment to a  
2949 slot machine licensee within this state, provided the supplier  
2950 is licensed to supply slot machines or associated equipment used  
2951 in connection with slot machines.

2952 (c) A manufacturer may contract with a supplier to provide  
2953 table game devices or associated equipment to a certificate  
2954 holder, provided the supplier is licensed to supply table game  
2955 devices or associated equipment used in connection with table  
2956 games.

2957 (8) A person may not manufacture slot machines, table game  
2958 devices, or associated equipment for use within this state by a

580-01687B-12

2012710c1

2959 licensee unless the person has been issued the appropriate  
2960 manufacturer license under this section. Except as permitted by  
2961 the commission in relation to training equipment, a licensee may  
2962 not use slot machines, table game devices, or associated  
2963 equipment unless the slot machines, table game devices, or  
2964 associated equipment were manufactured by a person that has been  
2965 issued the appropriate manufacturer license under this section.

2966 (9) The department may revoke the license or deny the  
2967 application for a manufacturer license of a person who fails to  
2968 comply with this section.

2969 (10) A person who knowingly makes a false statement on an  
2970 application for a manufacturer license commits a misdemeanor of  
2971 the first degree, punishable as provided in s. 775.082 or s.  
2972 775.083.

2973 Section 36. Section 551.322, Florida Statutes, is created  
2974 to read:

2975 551.322 Occupational licenses.—

2976 (1) The Legislature finds that, due to the nature of their  
2977 employment, some gaming employees require heightened state  
2978 scrutiny, including licensing and criminal history record  
2979 checks.

2980 (2) Any person who desires to be a gaming employee and has  
2981 a bona fide offer of employment from a licensed gaming entity  
2982 shall apply to the department for an occupational license. A  
2983 person may not be employed as a gaming employee unless that  
2984 person holds an appropriate occupational license issued under  
2985 this section. The department may adopt rules to reclassify a  
2986 category of nongaming employees or gaming employees upon a  
2987 finding that the reclassification is in the public interest and

580-01687B-12

2012710c1

2988 consistent with the objectives of this part.

2989 (3) An applicant for an occupational license must apply to  
2990 the department on forms adopted by the department by rule. An  
2991 occupational license is valid for 4 years following issuance.  
2992 The application must be accompanied by the licensing fee set by  
2993 the department. The licensing fee may not exceed \$250 for an  
2994 employee of a resort licensee.

2995 (a) The applicant shall set forth in the application  
2996 whether the applicant:

2997 1. Has been issued a gaming-related license in any  
2998 jurisdiction.

2999 2. Has been issued a gaming-related license in any other  
3000 jurisdiction under any other name and, if so, the name and the  
3001 applicant's age at the time of licensure.

3002 3. Has had a permit or license issued by another  
3003 jurisdiction suspended, restricted, or revoked and, if so, for  
3004 what period of time.

3005 (b) An applicant for an occupational license must include  
3006 his or her fingerprints in the application.

3007 (4) To be eligible for an occupational license, an  
3008 applicant must:

3009 (a) Be at least 21 years of age to perform any function  
3010 directly relating to limited gaming by patrons;

3011 (b) Be at least 18 years of age to perform nongaming  
3012 functions;

3013 (c) Not have been convicted of a felony or a crime  
3014 involving dishonesty or moral turpitude in any jurisdiction; and

3015 (d) Meet the standards for the occupational license as  
3016 provided in department rules.



580-01687B-12

2012710c1

- 3017       (5) The department must deny an application for an  
3018 occupational license for any person who:
- 3019       (a) Is not qualified to perform the duties required of a  
3020 licensee;
- 3021       (b) Fails to disclose or knowingly submits false  
3022 information in the application;
- 3023       (c) Has violated this part; or
- 3024       (d) Has had a gaming-related license or application  
3025 suspended, revoked, or denied in any other jurisdiction.
- 3026       (6) (a) The department may suspend, revoke, or restrict the  
3027 occupational license of a licensee:
- 3028       1. Who violates this part or the rules of the department;  
3029       2. Who defaults on the payment of any obligation or debt  
3030 due to this state or a county; or
- 3031       3. For any just cause.
- 3032       (b) The department shall revoke the occupational license of  
3033 a licensee for any cause that, if known to the department, would  
3034 have disqualified the applicant from receiving a license.
- 3035       (7) Any training provided for an occupational licensee may  
3036 be conducted in the facility of a resort licensee, limited  
3037 gaming licensee, or at a school with which the licensee has  
3038 entered into an agreement for that purpose.
- 3039       (8) A licensed travel agent whose commission or  
3040 compensation from a licensee is derived solely from the price of  
3041 the transportation or lodging arranged for by the travel agent  
3042 is not required to have an occupational license.
- 3043       (9) A person who knowingly makes a false statement on an  
3044 application for an occupational license commits a misdemeanor of  
3045 the first degree, punishable as provided in s. 775.082 or s.

580-01687B-12

2012710c1

3046 775.083.

3047 Section 37. Section 551.323, Florida Statutes, is created  
3048 to read:

3049 551.323 Temporary supplier license; temporary occupational  
3050 license.-

3051 (1) Upon the written request of an applicant for a supplier  
3052 license or an occupational license, the executive director shall  
3053 issue a temporary license to the applicant and permit the  
3054 applicant to undertake employment with or provide gaming  
3055 equipment, devices, or supplies or other goods or services to a  
3056 limited gaming facility or an applicant for a resort or limited  
3057 gaming license if:

3058 (a) The applicant has submitted a completed application, an  
3059 application fee, all required disclosure forms, and other  
3060 required written documentation and materials;

3061 (b) A preliminary review of the application and the  
3062 criminal history record check does not reveal that the applicant  
3063 or a person subject to a criminal history record check has been  
3064 convicted of a crime that would require denial of the  
3065 application;

3066 (c) A deficiency does not appear to exist in the  
3067 application which may require denial of the application; and

3068 (d) The applicant has an offer of employment from, or an  
3069 agreement to begin providing gaming devices, equipment, or  
3070 supplies or other goods and services to, a resort licensee,  
3071 limited gaming licensee, or an applicant for a resort or limited  
3072 gaming license, or the applicant for a temporary license shows  
3073 good cause for being granted a temporary license.

3074 (2) An initial temporary occupational license or supplier's

580-01687B-12

2012710c1

3075 license may not be valid for more than 90 days; however, a  
3076 temporary occupational license may be renewed one time for an  
3077 additional 90 days.

3078 (3) An applicant who receives a temporary license may  
3079 undertake employment with or supply a resort or limited gaming  
3080 licensee with gaming devices, equipment, or supplies or other  
3081 goods or services until a license is issued or denied or until  
3082 the temporary license expires or is suspended or revoked.

3083 Section 38. Section 551.325, Florida Statutes, is created  
3084 to read:

3085 551.325 Quarterly report.—The commission shall file  
3086 quarterly reports with the Governor, the President of the  
3087 Senate, and the Speaker of the House of Representatives covering  
3088 the previous fiscal quarter. Each report must include:

3089 (1) A statement of receipts and disbursements related to  
3090 limited gaming.

3091 (2) A summary of disciplinary actions taken by the  
3092 department.

3093 (3) Any additional information and recommendations that the  
3094 department believes may improve the regulation of limited gaming  
3095 or increase the economic benefits of limited gaming to this  
3096 state.

3097 Section 39. Section 551.327, Florida Statutes, is created  
3098 to read:

3099 551.327 Resolution of disputes between licensees and  
3100 wagerers.—

3101 (1) (a) The licensee must immediately notify the department  
3102 of a dispute whenever a licensee has a dispute with a wagerer  
3103 which is not resolved to the satisfaction of the patron if the

580-01687B-12

2012710c1

3104 amount disputed is \$500 or more and involves:

3105 1. Alleged winnings, alleged losses, or the award or  
3106 distribution of cash, prizes, benefits, tickets, or any other  
3107 item or items in a game, tournament, contest, drawing,  
3108 promotion, race, or similar activity or event; or

3109 2. The manner in which a game, tournament, contest,  
3110 drawing, promotion, race, or similar activity or event was  
3111 conducted.

3112 (b) If the dispute involves an amount less than \$500, the  
3113 licensee must immediately notify the wagerer of his or her right  
3114 to file a complaint with the department.

3115 (2) Upon notice of a dispute or receipt of a complaint, the  
3116 department shall conduct any investigation it deems necessary  
3117 and may order the licensee to make a payment to the wagerer upon  
3118 a finding that the licensee is liable for the disputed amount.  
3119 The decision of the department is effective on the date the  
3120 aggrieved party receives notice of the decision. Notice of the  
3121 decision is deemed sufficient if it is mailed to the last known  
3122 address of the licensee and the wagerer. The notice is deemed to  
3123 have been received by the licensee or the wagerer 5 days after  
3124 it is deposited with the United States Postal Service with  
3125 postage prepaid.

3126 (3) The failure of a licensee to notify the department of  
3127 the dispute or the wagerer of the right to file a complaint is  
3128 grounds for disciplinary action.

3129 (4) Gaming-related disputes may be resolved only by the  
3130 department and are not under the jurisdiction of state courts.

3131 (5) This section may not be construed to deny a wagerer an  
3132 opportunity to make a claim in state court for nongaming-related

580-01687B-12

2012710c1

3133 issues.

3134 Section 40. Section 551.328, Florida Statutes, is created  
3135 to read:

3136 551.328 Enforcement of credit instruments.-

3137 (1) A credit instrument and the debt that instrument  
3138 represents are valid and may be enforced by legal process.

3139 (2) A licensee may accept an incomplete credit instrument  
3140 that is signed by the patron and states the amount of the debt  
3141 in numbers and may complete the instrument as is necessary for  
3142 the instrument to be presented for payment.

3143 (3) A licensee may accept a credit instrument that is  
3144 payable to an affiliate or may complete a credit instrument  
3145 payable to an affiliate if the credit instrument otherwise  
3146 complies with this section and the records of the affiliate  
3147 pertaining to the credit instrument are made available to the  
3148 department upon request.

3149 (4) A licensee may accept a credit instrument before,  
3150 during, or after the patron incurs the debt. The credit  
3151 instrument and the debt that the instrument represents are  
3152 enforceable without regard to whether the credit instrument was  
3153 accepted before, during, or after the incurring of the debt.

3154 (5) This section does not prohibit the establishment of an  
3155 account by a deposit of cash, recognized traveler's check, or  
3156 any other instrument that is equivalent to cash.

3157 (6) If a credit instrument is lost or destroyed, the debt  
3158 represented by the credit instrument may be enforced if the  
3159 resort licensee or person acting on behalf of the licensee can  
3160 prove the existence of the credit instrument.

3161 (7) The existence of a mental disorder in a patron who

580-01687B-12

2012710c1

3162 provides a credit instrument to a licensee:

3163 (a) Is not a defense in any action by a licensee to enforce  
3164 a credit instrument or the debt that the credit instrument  
3165 represents.

3166 (b) Is not a valid counterclaim in an action to enforce the  
3167 credit instrument or the debt that the credit instrument  
3168 represents.

3169 (8) The failure of a licensee to comply with this section  
3170 or department rules does not invalidate a credit instrument or  
3171 affect its ability to enforce the credit instrument or the debt  
3172 that the credit instrument represents.

3173 (9) The department may adopt rules prescribing the  
3174 conditions under which a credit instrument may be redeemed or  
3175 presented to a bank, credit union, or other financial  
3176 institution for collection or payment.

3177 (10) A violation of these regulatory requirements only  
3178 states a basis for disciplinary action for the commission.

3179 Section 41. Section 551.330, Florida Statutes, is created  
3180 to read:

3181 551.330 Compulsive or addictive gambling prevention  
3182 program.—

3183 (1) A resort and limited gaming licensee shall offer  
3184 training to employees on responsible gaming and shall work with  
3185 a compulsive or addictive gambling prevention program to  
3186 recognize problem gaming situations and to implement responsible  
3187 gaming programs and practices.

3188 (2) The department shall, subject to competitive bidding,  
3189 contract for direct services for the treatment of compulsive and  
3190 addictive gambling.

580-01687B-12

2012710c1

3191 (3) Each licensee is responsible for contributing to the  
3192 compulsive or addictive gambling fund treatment program. Within  
3193 60 days after the end of each state fiscal year, the department  
3194 must calculate the amount due from each licensee based upon the  
3195 amount of gross revenues of each licensee received during the  
3196 prior state fiscal year. Each licensee must pay 0.25 percent of  
3197 the total of the gross revenues generated at the licensed resort  
3198 or limited gaming facility within 90 days after the end of each  
3199 state fiscal year.

3200 Section 42. Section 551.331, Florida Statutes, is created  
3201 to read:

3202 551.331 Voluntary self-exclusion from a limited gaming  
3203 facility.—

3204 (1) A person may request that he or she be excluded from  
3205 limited gaming facilities in this state by personally submitting  
3206 a Request for Voluntary Self-exclusion from Limited Gaming  
3207 Facilities Form to the department. The form must require the  
3208 person requesting exclusion to:

3209 (a) State his or her:

3210 1. Name, including any aliases or nicknames;

3211 2. Date of birth;

3212 3. Current residential address;

3213 4. Telephone number;

3214 5. Social security number; and

3215 6. Physical description, including height, weight, gender,  
3216 hair color, eye color, and any other physical characteristic  
3217 that may assist in the identification of the person.

3218  
3219 A self-excluded person must update the information in this

580-01687B-12

2012710c1

3220 paragraph on forms supplied by the department within 30 days  
3221 after any change.

3222 (b) Select one of the following as the duration of the  
3223 self-exclusion:

3224 1. One year.

3225 2. Five years.

3226 3. Lifetime.

3227 (c) Execute a release in which the person:

3228 1. Acknowledges that the request for exclusion has been  
3229 made voluntarily.

3230 2. Certifies that the information provided in the request  
3231 for self-exclusion is true and correct.

3232 3. Acknowledges that the individual requesting self-  
3233 exclusion is a problem gambler.

3234 4. Acknowledges that a person requesting a lifetime  
3235 exclusion will not be removed from the self-exclusion list and  
3236 that a person requesting a 1-year or 5-year exclusion will  
3237 remain on the self-exclusion list until a request for removal is  
3238 approved by the department.

3239 5. Acknowledges that, if the individual is discovered on  
3240 the gaming floor of a limited gaming facility, the individual  
3241 may be removed and may be arrested and prosecuted for criminal  
3242 trespass.

3243 6. Releases, indemnifies, holds harmless, and forever  
3244 discharges the state, department, and all licensee from any  
3245 claims, damages, losses, expenses, or liability arising out of,  
3246 by reason of or relating to the self-excluded person or to any  
3247 other party for any harm, monetary or otherwise, which may arise  
3248 as a result of one or more of the following:



580-01687B-12

2012710c1

3249 a. The failure of a licensee to withhold gaming privileges  
3250 from or restore gaming privileges to a self-excluded person.

3251 b. Permitting or prohibiting a self-excluded person from  
3252 engaging in gaming activity in a limited gaming facility.

3253 (2) A person submitting a self-exclusion request must  
3254 present to the department a government-issued form of  
3255 identification containing the person's signature.

3256 (3) The department shall take a photograph of a person  
3257 requesting self-exclusion at the time the person submits a  
3258 request for self-exclusion.

3259 Section 43. Paragraph (a) of subsection (2) of section  
3260 561.20, Florida Statutes, is amended to read:

3261 561.20 Limitation upon number of licenses issued.—

3262 (2) (a) No such limitation of the number of licenses as  
3263 herein provided shall henceforth prohibit the issuance of a  
3264 special license to:

3265 1. Any bona fide hotel, motel, or motor court of not fewer  
3266 than 80 guest rooms in any county having a population of less  
3267 than 50,000 residents, and of not fewer than 100 guest rooms in  
3268 any county having a population of 50,000 residents or greater;  
3269 or any bona fide hotel or motel located in a historic structure,  
3270 as defined in s. 561.01(21), with fewer than 100 guest rooms  
3271 which derives at least 51 percent of its gross revenue from the  
3272 rental of hotel or motel rooms, which is licensed as a public  
3273 lodging establishment by the Division of Hotels and Restaurants;  
3274 provided, however, that a bona fide hotel or motel with no fewer  
3275 than 10 and no more than 25 guest rooms which is a historic  
3276 structure, as defined in s. 561.01(21), in a municipality that  
3277 on the effective date of this act has a population, according to

580-01687B-12

2012710c1

3278 the University of Florida's Bureau of Economic and Business  
3279 Research Estimates of Population for 1998, of no fewer than  
3280 25,000 and no more than 35,000 residents and that is within a  
3281 constitutionally chartered county may be issued a special  
3282 license. This special license shall allow the sale and  
3283 consumption of alcoholic beverages only on the licensed premises  
3284 of the hotel or motel. In addition, the hotel or motel must  
3285 derive at least 60 percent of its gross revenue from the rental  
3286 of hotel or motel rooms and the sale of food and nonalcoholic  
3287 beverages; provided that the provisions of this subparagraph  
3288 shall supersede local laws requiring a greater number of hotel  
3289 rooms;

3290         2. Any condominium accommodation of which no fewer than 100  
3291 condominium units are wholly rentable to transients and which is  
3292 licensed under the provisions of chapter 509, except that the  
3293 license shall be issued only to the person or corporation which  
3294 operates the hotel or motel operation and not to the association  
3295 of condominium owners;

3296         3. Any condominium accommodation of which no fewer than 50  
3297 condominium units are wholly rentable to transients, which is  
3298 licensed under the provisions of chapter 509, and which is  
3299 located in any county having home rule under s. 10 or s. 11,  
3300 Art. VIII of the State Constitution of 1885, as amended, and  
3301 incorporated by reference in s. 6(e), Art. VIII of the State  
3302 Constitution, except that the license shall be issued only to  
3303 the person or corporation which operates the hotel or motel  
3304 operation and not to the association of condominium owners;

3305         4. Any restaurant having 2,500 square feet of service area  
3306 and equipped to serve 150 persons full course meals at tables at

580-01687B-12

2012710c1

3307 one time, and deriving at least 51 percent of its gross revenue  
3308 from the sale of food and nonalcoholic beverages; however, no  
3309 restaurant granted a special license on or after January 1,  
3310 1958, pursuant to general or special law shall operate as a  
3311 package store, nor shall intoxicating beverages be sold under  
3312 such license after the hours of serving food have elapsed; ~~or~~

3313       5. Any caterer, deriving at least 51 percent of its gross  
3314 revenue from the sale of food and nonalcoholic beverages,  
3315 licensed by the Division of Hotels and Restaurants under chapter  
3316 509. Notwithstanding any other provision of law to the contrary,  
3317 a licensee under this subparagraph shall sell or serve alcoholic  
3318 beverages only for consumption on the premises of a catered  
3319 event at which the licensee is also providing prepared food, and  
3320 shall prominently display its license at any catered event at  
3321 which the caterer is selling or serving alcoholic beverages. A  
3322 licensee under this subparagraph shall purchase all alcoholic  
3323 beverages it sells or serves at a catered event from a vendor  
3324 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.  
3325 565.02(1) subject to the limitation imposed in subsection (1),  
3326 as appropriate. A licensee under this subparagraph may not store  
3327 any alcoholic beverages to be sold or served at a catered event.  
3328 Any alcoholic beverages purchased by a licensee under this  
3329 subparagraph for a catered event that are not used at that event  
3330 must remain with the customer; provided that if the vendor  
3331 accepts unopened alcoholic beverages, the licensee may return  
3332 such alcoholic beverages to the vendor for a credit or  
3333 reimbursement. Regardless of the county or counties in which the  
3334 licensee operates, a licensee under this subparagraph shall pay  
3335 the annual state license tax set forth in s. 565.02(1)(b). A

580-01687B-12

2012710c1

3336 licensee under this subparagraph must maintain for a period of 3  
3337 years all records required by the department by rule to  
3338 demonstrate compliance with the requirements of this  
3339 subparagraph, including licensed vendor receipts for the  
3340 purchase of alcoholic beverages and records identifying each  
3341 customer and the location and date of each catered event.  
3342 Notwithstanding any provision of law to the contrary, any vendor  
3343 licensed under s. 565.02(1) subject to the limitation imposed in  
3344 subsection (1), may, without any additional licensure under this  
3345 subparagraph, serve or sell alcoholic beverages for consumption  
3346 on the premises of a catered event at which prepared food is  
3347 provided by a caterer licensed under chapter 509. If a licensee  
3348 under this subparagraph also possesses any other license under  
3349 the Beverage Law, the license issued under this subparagraph  
3350 shall not authorize the holder to conduct activities on the  
3351 premises to which the other license or licenses apply that would  
3352 otherwise be prohibited by the terms of that license or the  
3353 Beverage Law. Nothing in this section shall permit the licensee  
3354 to conduct activities that are otherwise prohibited by the  
3355 Beverage Law or local law. The Division of Alcoholic Beverages  
3356 and Tobacco is hereby authorized to adopt rules to administer  
3357 the license created in this subparagraph, to include rules  
3358 governing licensure, recordkeeping, and enforcement. The first  
3359 \$300,000 in fees collected by the division each fiscal year  
3360 pursuant to this subparagraph shall be deposited in the  
3361 Department of Children and Family Services' Operations and  
3362 Maintenance Trust Fund to be used only for alcohol and drug  
3363 abuse education, treatment, and prevention programs. The  
3364 remainder of the fees collected shall be deposited into the

580-01687B-12

2012710c1

3365 Hotel and Restaurant Trust Fund created pursuant to s. 509.072;  
3366 ~~or-~~

3367 6. Any destination resort licensed by the State Gaming  
3368 Commission under chapter 551. Notwithstanding any other  
3369 provision of law to the contrary, a licensee under this  
3370 subparagraph may sell or serve alcoholic beverages only for  
3371 consumption on the premises. A licensee under this subparagraph  
3372 shall purchase all alcoholic beverages from a distributor  
3373 licensed under ss. 561.14, 561.15, and 561.17. Regardless of the  
3374 county or counties in which the licensee operates, a licensee  
3375 under this subparagraph shall pay an annual state license tax of  
3376 \$250,000, the proceeds of which shall be deposited into the  
3377 Destination Resort Trust Fund of the Department of Gaming  
3378 Control. This subparagraph expressly preempts the regulation of  
3379 alcoholic beverages at destination resorts licensed by the State  
3380 Gaming Commission to the state and supersedes any municipal or  
3381 county ordinance on the subject. Notwithstanding any other law  
3382 or local law or ordinance to the contrary, a licensee under this  
3383 subparagraph may serve alcoholic beverages 24 hours per day,  
3384 every day of the year. This subparagraph does not permit the  
3385 licensee to conduct activities that are otherwise prohibited by  
3386 the Beverage Law. The Department of Gaming Control shall adopt  
3387 rules to implement this subparagraph, including, but not limited  
3388 to, rules governing licensure, recordkeeping, and enforcement. A  
3389 licensee under this subparagraph must maintain for a period of 3  
3390 years all records required by the State Gaming Commission by  
3391 rule to demonstrate compliance with the requirements of this  
3392 subparagraph, including licensed distributor receipts for the  
3393 purchase of alcoholic beverages.

580-01687B-12

2012710c1

3394  
3395 However, any license heretofore issued to any such hotel, motel,  
3396 motor court, or restaurant or hereafter issued to any such  
3397 hotel, motel, or motor court, including a condominium  
3398 accommodation, under the general law shall not be moved to a new  
3399 location, such license being valid only on the premises of such  
3400 hotel, motel, motor court, or restaurant. Licenses issued to  
3401 hotels, motels, motor courts, or restaurants under the general  
3402 law and held by such hotels, motels, motor courts, or  
3403 restaurants on May 24, 1947, shall be counted in the quota  
3404 limitation contained in subsection (1). Any license issued for  
3405 any hotel, motel, or motor court under the provisions of this  
3406 law shall be issued only to the owner of the hotel, motel, or  
3407 motor court or, in the event the hotel, motel, or motor court is  
3408 leased, to the lessee of the hotel, motel, or motor court; and  
3409 the license shall remain in the name of the owner or lessee so  
3410 long as the license is in existence. Any special license now in  
3411 existence heretofore issued under the provisions of this law  
3412 cannot be renewed except in the name of the owner of the hotel,  
3413 motel, motor court, or restaurant or, in the event the hotel,  
3414 motel, motor court, or restaurant is leased, in the name of the  
3415 lessee of the hotel, motel, motor court, or restaurant in which  
3416 the license is located and must remain in the name of the owner  
3417 or lessee so long as the license is in existence. Any license  
3418 issued under this section shall be marked "Special," and nothing  
3419 herein provided shall limit, restrict, or prevent the issuance  
3420 of a special license for any restaurant or motel which shall  
3421 hereafter meet the requirements of the law existing immediately  
3422 prior to the effective date of this act, if construction of such

580-01687B-12

2012710c1

3423 restaurant has commenced prior to the effective date of this act  
3424 and is completed within 30 days thereafter, or if an application  
3425 is on file for such special license at the time this act takes  
3426 effect; and any such licenses issued under this proviso may be  
3427 annually renewed as now provided by law. Nothing herein prevents  
3428 an application for transfer of a license to a bona fide  
3429 purchaser of any hotel, motel, motor court, or restaurant by the  
3430 purchaser of such facility or the transfer of such license  
3431 pursuant to law.

3432 Section 44. Section 817.32, Florida Statutes, is amended to  
3433 read:

3434 817.32 Fraudulent operation of coin-operated or similar  
3435 devices.—Any person who shall operate or cause to be operated,  
3436 or who shall attempt to operate, or attempt to cause to be  
3437 operated, any automatic vending machine, slot machine, coinbox  
3438 telephone, or other receptacle designed to operate upon the  
3439 insertion of a coin, bill, ticket, token, or similar object or  
3440 upon payment of any consideration whatsoever, including the use  
3441 of any electronic payment system ~~receive lawful coin of the~~  
3442 ~~United States~~ in connection with the sale, use or enjoyment of  
3443 property or service, by means of a slug or any false,  
3444 counterfeited, mutilated, sweated, or foreign coin, or by any  
3445 means, method, trick, or device whatsoever not lawfully  
3446 authorized by the owner, lessee, or licensee of such machine,  
3447 coinbox telephone or receptacle, or who shall take, obtain or  
3448 receive from or in connection with any automatic vending  
3449 machine, slot machine, coinbox telephone or other receptacle  
3450 designed to operate upon the insertion of a coin, bill, ticket,  
3451 token, or similar object or upon payment of any consideration

580-01687B-12

2012710c1

3452 whatsoever, including the use of any electronic payment system  
3453 ~~receive lawful coin of the United States~~ in connection with the  
3454 sale, use, or enjoyment of property or service, any goods,  
3455 wares, merchandise, gas, electric current, article of value, or  
3456 the use or enjoyment of any telephone or telegraph facilities or  
3457 service, or of any musical instrument, phonograph, or other  
3458 property, without depositing in and surrendering to such  
3459 machine, coinbox telephone or receptacle a coin, bill, ticket,  
3460 token, or similar object or payment of any consideration  
3461 whatsoever ~~lawful coin of the United States~~ to the amount  
3462 required therefor by the owner, lessee, or licensee of such  
3463 machine, coinbox telephone or receptacle, shall be guilty of a  
3464 misdemeanor of the second degree, punishable as provided in s.  
3465 775.082 or s. 775.083.

3466 Section 45. Section 817.33, Florida Statutes, is amended to  
3467 read:

3468 817.33 Manufacture, etc., of slugs to be used in coin-  
3469 operated or similar devices prohibited.—Any person who, with  
3470 intent to cheat or defraud the owner, lessee, licensee, or other  
3471 person entitled to the contents of any automatic vending  
3472 machine, slot machine, coinbox telephone or other receptacle,  
3473 depository, or contrivance designed to operate upon the  
3474 insertion of a coin, bill, ticket, token, or similar object or  
3475 upon payment of any consideration whatsoever, including the use  
3476 of any electronic payment system ~~receive lawful coin of the~~  
3477 ~~United States~~ in connection with the sale, use, or enjoyment of  
3478 property or service, or who, knowing that the same is intended  
3479 for unlawful use, shall manufacture for sale, or sell or give  
3480 away any slug, device or substance whatsoever intended or



580-01687B-12

2012710c1

3481 calculated to be placed or deposited in any such automatic  
3482 vending machine, slot machine, coinbox telephone or other such  
3483 receptacle, depository or contrivance, shall be guilty of a  
3484 misdemeanor of the second degree, punishable as provided in s.  
3485 775.082 or s. 775.083.

3486 Section 46. Section 849.15, Florida Statutes, is amended to  
3487 read:

3488 849.15 Manufacture, sale, possession, etc., of coin-  
3489 operated devices prohibited.—

3490 (1) It is unlawful:

3491 (a) To manufacture, own, store, keep, possess, sell, rent,  
3492 lease, let on shares, lend or give away, transport, or expose  
3493 for sale or lease, or to offer to sell, rent, lease, let on  
3494 shares, lend or give away, or permit the operation of, or for  
3495 any person to permit to be placed, maintained, or used or kept  
3496 in any room, space, or building owned, leased, or occupied by  
3497 the person or under the person's management or control, any slot  
3498 machine or device or any part thereof, or other gambling  
3499 apparatus or any part thereof that is otherwise prohibited from  
3500 operation or possession in the state; or

3501 (b) To make or to permit to be made with any person any  
3502 agreement with reference to any slot machine or device, pursuant  
3503 to which the user thereof, as a result of any element of chance  
3504 or other outcome unpredictable to him or her, may become  
3505 entitled to receive any money, credit, allowance, or thing of  
3506 value or additional chance or right to use such machine or  
3507 device, or to receive any check, slug, token, or memorandum  
3508 entitling the holder to receive any money, credit, allowance, or  
3509 thing of value.

580-01687B-12

2012710c1

3510 (2) Pursuant to section 2 of that chapter of the Congress  
3511 of the United States entitled "An act to prohibit transportation  
3512 of gaming devices in interstate and foreign commerce," approved  
3513 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
3514 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
3515 acting by and through the duly elected and qualified members of  
3516 its Legislature, does hereby in this section, and in accordance  
3517 with and in compliance with the provisions of section 2 of such  
3518 chapter of Congress, declare and proclaim that any county of the  
3519 State of Florida within which slot machine gaming is authorized  
3520 pursuant to chapter 551 is exempt from the provisions of section  
3521 2 of that chapter of the Congress of the United States entitled  
3522 "An act to prohibit transportation of gaming devices in  
3523 interstate and foreign commerce," designated as 15 U.S.C. ss.  
3524 1171-1177, approved January 2, 1951. All shipments of gaming  
3525 devices, including slot machines, into any county of this state  
3526 within which slot machine gaming is authorized pursuant to  
3527 chapter 551 and the registering, recording, and labeling of  
3528 which have been duly performed by the manufacturer or  
3529 distributor thereof in accordance with sections 3 and 4 of that  
3530 chapter of the Congress of the United States entitled "An act to  
3531 prohibit transportation of gaming devices in interstate and  
3532 foreign commerce," approved January 2, 1951, being ch. 1194, 64  
3533 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,  
3534 shall be deemed legal shipments thereof into this state provided  
3535 the destination of such shipments is an eligible facility as  
3536 defined in s. 551.102, ~~or~~ the facility of a slot machine  
3537 manufacturer or slot machine distributor as provided in s.  
3538 551.109(2)(a), or the facility of a resort licensee or supplier

580-01687B-12

2012710c1

3539 licensee under part III of chapter 551.

3540 (3) This section does not apply to slot machine licensees  
3541 authorized under part II of chapter 551 or resort or limited  
3542 gaming licensees as authorized under part III of chapter 551.

3543 Section 47. Section 849.231, Florida Statutes, is amended  
3544 to read:

3545 849.231 Gambling devices; manufacture, sale, purchase or  
3546 possession unlawful.—

3547 (1) Except in instances when the following described  
3548 implements or apparatus are being held or transported by  
3549 authorized persons for the purpose of destruction, as  
3550 hereinafter provided, and except in instances when the following  
3551 described instruments or apparatus are being held, sold,  
3552 transported, or manufactured by persons who have registered with  
3553 the United States Government pursuant to the provisions of Title  
3554 15 of the United States Code, ss. 1171 et seq., as amended, so  
3555 long as the described implements or apparatus are not displayed  
3556 to the general public, sold for use in Florida, or held or  
3557 manufactured in contravention of the requirements of 15 U.S.C.  
3558 ss. 1171 et seq., it shall be unlawful for any person to  
3559 manufacture, sell, transport, offer for sale, purchase, own, or  
3560 have in his or her possession any roulette wheel or table, faro  
3561 layout, crap table or layout, chemin de fer table or layout,  
3562 chuck-a-luck wheel, bird cage such as used for gambling, bolita  
3563 balls, chips with house markings, or any other device,  
3564 implement, apparatus, or paraphernalia ordinarily or commonly  
3565 used or designed to be used in the operation of gambling houses  
3566 or establishments, excepting ordinary dice and playing cards.

3567 (2) In addition to any other penalties provided for the

580-01687B-12

2012710c1

3568 violation of this section, any occupational license held by a  
3569 person found guilty of violating this section shall be suspended  
3570 for a period not to exceed 5 years.

3571 (3) This section and s. 849.05 do not apply to a vessel of  
3572 foreign registry or a vessel operated under the authority of a  
3573 country except the United States, while docked in this state or  
3574 transiting in the territorial waters of this state.

3575 (4) This section does not apply to slot machine licensees  
3576 authorized under part II of chapter 551 or resort or limited  
3577 gaming licensees as authorized under part III of chapter 551.

3578 Section 48. Transfers.-

3579 (1) All of the statutory powers, duties and functions,  
3580 records, personnel, property, and unexpended balances of  
3581 appropriations, allocations, or other funds for the  
3582 administration of chapter 550, Florida Statutes, are transferred  
3583 intact by a type two transfer, as defined in s. 20.06(2),  
3584 Florida Statutes, from the Division of Pari-mutuel Wagering of  
3585 the Department of Business and Professional Regulation to the  
3586 Division of Licensure of the Department of Gaming Control.

3587 (2) All of the statutory powers, duties and functions,  
3588 records, personnel, property, and unexpended balances of  
3589 appropriations, allocations, or other funds for the  
3590 administration of chapter 551, Florida Statutes, are transferred  
3591 by a type two transfer, as defined in s. 20.06(2), Florida  
3592 Statutes, from the Division of Pari-mutuel Wagering of the  
3593 Department of Business and Professional Regulation to the  
3594 Division of Licensure of Department of Gaming Control.

3595 (3) All of the statutory powers, duties and functions,  
3596 records, personnel, property, and unexpended balances of

580-01687B-12

2012710c1

3597 appropriations, allocations, or other funds for the  
3598 administration of s. 849.086, Florida Statutes, are transferred  
3599 by a type two transfer, as defined in s. 20.06(2), Florida  
3600 Statutes, from the Division of Pari-mutuel Wagering of the  
3601 Department of Business and Professional Regulation to the  
3602 Division of Licensure of Department of Gaming Control.

3603 (4) The following trust funds are transferred from the  
3604 Division of Pari-mutuel Wagering of the Department of Business  
3605 and Professional Regulation to the Division of Licensure of  
3606 Department of Gaming Control:

3607 (a) Pari-mutuel Wagering Trust Fund.

3608 (b) Racing Scholarship Trust Fund.

3609 Section 49. Paragraph (f) of subsection (1), subsection  
3610 (7), and paragraph (a) of subsection (13) of section 285.710,  
3611 Florida Statutes, are amended to read:

3612 285.710 Compact authorization.—

3613 (1) As used in this section, the term:

3614 (f) "State compliance agency" means the Division of  
3615 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming  
3616 Control ~~Business and Professional Regulation~~ which is designated  
3617 as the state agency having the authority to carry out the  
3618 state's oversight responsibilities under the compact.

3619 (7) The Division of Licensure ~~Pari-mutuel Wagering~~ of the  
3620 Department of Gaming Control ~~Business and Professional~~  
3621 ~~Regulation~~ is designated as the state compliance agency having  
3622 the authority to carry out the state's oversight  
3623 responsibilities under the compact authorized by this section.

3624 (13) For the purpose of satisfying the requirement in 25  
3625 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized

580-01687B-12

2012710c1

3626 under an Indian gaming compact must be permitted in the state  
3627 for any purpose by any person, organization, or entity, the  
3628 following class III games or other games specified in this  
3629 section are hereby authorized to be conducted by the Tribe  
3630 pursuant to the compact:

3631 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

3632 Section 50. Subsections (6) and (7) of section 550.002,  
3633 Florida Statutes, are amended to read:

3634 550.002 Definitions.—As used in this chapter, the term:

3635 (6) "Department" means the Department of Gaming Control  
3636 ~~Business and Professional Regulation~~.

3637 (7) "Division" means the Division of Licensure ~~Pari-mutuel~~  
3638 ~~Wagering~~ within the Department of Gaming Control ~~Business and~~  
3639 ~~Professional Regulation~~.

3640 Section 51. Section 550.0251, Florida Statutes, is amended  
3641 to read:

3642 550.0251 The powers and duties of the division ~~of Pari-~~  
3643 ~~mutuel Wagering of the Department of Business and Professional~~  
3644 ~~Regulation~~.—The division shall administer this chapter and  
3645 regulate the pari-mutuel industry under this chapter and the  
3646 rules adopted pursuant thereto, and:

3647 (1) The division shall make an annual report to the  
3648 Governor showing its own actions, receipts derived under the  
3649 provisions of this chapter, the practical effects of the  
3650 application of this chapter, and any suggestions it may approve  
3651 for the more effectual accomplishments of the purposes of this  
3652 chapter.

3653 (2) The division shall require an oath on application  
3654 documents as required by rule, which oath must state that the

580-01687B-12

2012710c1

3655 information contained in the document is true and complete.

3656 (3) The department ~~division~~ shall adopt reasonable rules  
3657 for the control, supervision, and direction of all applicants,  
3658 permittees, and licensees and for the holding, conducting, and  
3659 operating of all racetracks, race meets, and races held in this  
3660 state. Such rules must be uniform in their application and  
3661 effect, and the duty of exercising this control and power is  
3662 made mandatory upon the division.

3663 (4) The division may take testimony concerning any matter  
3664 within its jurisdiction and issue summons and subpoenas for any  
3665 witness and subpoenas duces tecum in connection with any matter  
3666 within the jurisdiction of the division under its seal and  
3667 signed by the director.

3668 (5) The department ~~division~~ may adopt rules establishing  
3669 procedures for testing occupational licenseholders officiating  
3670 at or participating in any race or game at any pari-mutuel  
3671 facility under the jurisdiction of the division for a controlled  
3672 substance or alcohol and may prescribe procedural matters not in  
3673 conflict with s. 120.80(19) ~~120.80(4)(a)~~.

3674 (6) In addition to the power to exclude certain persons  
3675 from any pari-mutuel facility in this state, the division may  
3676 exclude any person from any and all pari-mutuel facilities in  
3677 this state for conduct that would constitute, if the person were  
3678 a licensee, a violation of this chapter or the rules of the  
3679 department ~~division~~. The division may exclude from any pari-  
3680 mutuel facility within this state any person who has been  
3681 ejected from a pari-mutuel facility in this state or who has  
3682 been excluded from any pari-mutuel facility in another state by  
3683 the governmental department, agency, commission, or authority

580-01687B-12

2012710c1

3684 exercising regulatory jurisdiction over pari-mutuel facilities  
3685 in such other state. The division may authorize any person who  
3686 has been ejected or excluded from pari-mutuel facilities in this  
3687 state or another state to attend the pari-mutuel facilities in  
3688 this state upon a finding that the attendance of such person at  
3689 pari-mutuel facilities would not be adverse to the public  
3690 interest or to the integrity of the sport or industry; however,  
3691 this subsection shall not be construed to abrogate the common-  
3692 law right of a pari-mutuel permitholder to exclude absolutely a  
3693 patron in this state.

3694 (7) The division may oversee the making of, and  
3695 distribution from, all pari-mutuel pools.

3696 (8) The department may collect taxes and require compliance  
3697 with reporting requirements for financial information as  
3698 authorized by this chapter. In addition, the secretary of the  
3699 department may require permitholders conducting pari-mutuel  
3700 operations within the state to remit taxes, including fees, by  
3701 electronic funds transfer if the taxes and fees amounted to  
3702 \$50,000 or more in the prior reporting year.

3703 (9) The division may conduct investigations in enforcing  
3704 this chapter, except that all information obtained pursuant to  
3705 an investigation by the division for an alleged violation of  
3706 this chapter or rules of the department ~~division~~ is exempt from  
3707 s. 119.07(1) and from s. 24(a), Art. I of the State Constitution  
3708 until an administrative complaint is issued or the investigation  
3709 is closed or ceases to be active. This subsection does not  
3710 prohibit the division from providing such information to any law  
3711 enforcement agency or to any other regulatory agency. For the  
3712 purposes of this subsection, an investigation is considered to



580-01687B-12

2012710c1

3713 be active while it is being conducted with reasonable dispatch  
3714 and with a reasonable, good faith belief that it could lead to  
3715 an administrative, civil, or criminal action by the division or  
3716 another administrative or law enforcement agency. Except for  
3717 active criminal intelligence or criminal investigative  
3718 information, as defined in s. 119.011, and any other information  
3719 that, if disclosed, would jeopardize the safety of an  
3720 individual, all information, records, and transcriptions become  
3721 public when the investigation is closed or ceases to be active.

3722 (10) The division may impose an administrative fine for a  
3723 violation under this chapter of not more than \$1,000 for each  
3724 count or separate offense, except as otherwise provided in this  
3725 chapter, and may suspend or revoke a permit, a pari-mutuel  
3726 license, or an occupational license for a violation under this  
3727 chapter. All fines imposed and collected under this subsection  
3728 must be deposited with the Chief Financial Officer to the credit  
3729 of the General Revenue Fund.

3730 (11) The division shall supervise and regulate the welfare  
3731 of racing animals at pari-mutuel facilities.

3732 (12) The department ~~division~~ shall have full authority and  
3733 power to make, adopt, amend, or repeal rules relating to  
3734 cardroom operations, to enforce and to carry out the provisions  
3735 of s. 849.086, and to regulate the authorized cardroom  
3736 activities in the state.

3737 (13) The division shall have the authority to suspend a  
3738 permitholder's permit or license, if such permitholder is  
3739 operating a cardroom facility and such permitholder's cardroom  
3740 license has been suspended or revoked pursuant to s. 849.086.

3741 Section 52. Present subsections (11) through (14) of

580-01687B-12

2012710c1

3742 section 550.054, Florida Statutes, are redesignated as  
3743 subsections (10) through (13), respectively, present subsection  
3744 (10) of that section is amended, and new subsections (14) and  
3745 (15) are added to that section, to read:

3746 550.054 Application for permit to conduct pari-mutuel  
3747 wagering.—

3748 ~~(10) If a permitholder has failed to complete construction~~  
3749 ~~of at least 50 percent of the facilities necessary to conduct~~  
3750 ~~pari-mutuel operations within 12 months after approval by the~~  
3751 ~~voters of the permit, the division shall revoke the permit upon~~  
3752 ~~adequate notice to the permitholder. However, the division, upon~~  
3753 ~~good cause shown by the permitholder, may grant one extension of~~  
3754 ~~up to 12 months.~~

3755 (14) The division shall revoke the permit upon adequate  
3756 notice to the permitholder if the permitholder has not conducted  
3757 a full schedule of live racing or games prior to January 15,  
3758 2012.

3759 (15) Notwithstanding any other provision of this chapter,  
3760 no pari-mutuel permit may be issued on or after July 1, 2012.

3761 Section 53. Section 550.0745, Florida Statutes, is  
3762 repealed.

3763 Section 54. Subsection (3) of section 550.09515, Florida  
3764 Statutes, is amended to read:

3765 550.09515 Thoroughbred horse taxes; abandoned interest in a  
3766 permit for nonpayment of taxes.—

3767 (3)~~(a)~~ The permit of a thoroughbred horse permitholder who  
3768 does not pay tax on handle for live thoroughbred horse  
3769 performances for a full schedule of live races during any 2  
3770 consecutive state fiscal years shall be void and shall escheat

580-01687B-12

2012710c1

3771 to and become the property of the state unless such failure to  
3772 operate and pay tax on handle was the direct result of fire,  
3773 strike, war, or other disaster or event beyond the ability of  
3774 the permitholder to control. Financial hardship to the  
3775 permitholder shall not, ~~in and of itself,~~ constitute just cause  
3776 for failure to operate and pay tax on handle.

3777 ~~(b) In order to maximize the tax revenues to the state, the~~  
3778 ~~division shall reissue an escheated thoroughbred horse permit to~~  
3779 ~~a qualified applicant pursuant to the provisions of this chapter~~  
3780 ~~as for the issuance of an initial permit. However, the~~  
3781 ~~provisions of this chapter relating to referendum requirements~~  
3782 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~  
3783 ~~escheated thoroughbred horse permit. As specified in the~~  
3784 ~~application and upon approval by the division of an application~~  
3785 ~~for the permit, the new permitholder shall be authorized to~~  
3786 ~~operate a thoroughbred horse facility anywhere in the same~~  
3787 ~~county in which the escheated permit was authorized to be~~  
3788 ~~operated, notwithstanding the provisions of s. 550.054(2)~~  
3789 ~~relating to mileage limitations.~~

3790 Section 55. Subsection (1) of section 550.135, Florida  
3791 Statutes, is amended to read:

3792 550.135 Division of moneys derived under this law.—All  
3793 moneys that are deposited with the Chief Financial Officer to  
3794 the credit of the Pari-mutuel Wagering Trust Fund shall be  
3795 distributed as follows:

3796 (1) The daily license fee revenues collected pursuant to s.  
3797 550.0951(1) shall be used to fund the operating cost of the  
3798 division and to provide a proportionate share of the operation  
3799 of the office of the secretary and the Division of

580-01687B-12

2012710c1

3800 Administration of the department ~~of Business and Professional~~  
3801 ~~Regulation~~; however, other collections in the Pari-mutuel  
3802 Wagering Trust Fund may also be used to fund the operation of  
3803 the division in accordance with authorized appropriations.

3804 Section 56. Subsection (4) of section 550.24055, Florida  
3805 Statutes, is amended to read:

3806 550.24055 Use of controlled substances or alcohol  
3807 prohibited; testing of certain occupational licensees; penalty;  
3808 evidence of test or action taken and admissibility for criminal  
3809 prosecution limited.—

3810 (4) The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to  
3811 all actions taken by the stewards, judges, or board of judges  
3812 pursuant to this section without regard to the limitation  
3813 contained therein.

3814 Section 57. Subsection (15) of section 550.2415, Florida  
3815 Statutes, is amended to read:

3816 550.2415 Racing of animals under certain conditions  
3817 prohibited; penalties; exceptions.—

3818 (15) The department ~~division~~ may implement by rule  
3819 medication levels recommended by the University of Florida  
3820 College of Veterinary Medicine developed pursuant to an  
3821 agreement between the division ~~of Pari-mutuel Wagering~~ and the  
3822 University of Florida College of Veterinary Medicine. The  
3823 University of Florida College of Veterinary Medicine may provide  
3824 written notification to the division that it has completed  
3825 research or review on a particular drug pursuant to the  
3826 agreement and when the College of Veterinary Medicine has  
3827 completed a final report of its findings, conclusions, and  
3828 recommendations to the division.

580-01687B-12

2012710c1

3829 Section 58. Paragraph (j) of subsection (3) of section  
3830 550.2625, Florida Statutes, is amended to read:

3831 550.2625 Horseracing; minimum purse requirement, Florida  
3832 breeders' and owners' awards.—

3833 (3) Each horseracing permitholder conducting any  
3834 thoroughbred race under this chapter, including any intertrack  
3835 race taken pursuant to ss. 550.615-550.6305 or any interstate  
3836 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal  
3837 to 0.955 percent on all pari-mutuel pools conducted during any  
3838 such race for the payment of breeders', stallion, or special  
3839 racing awards as authorized in this chapter. This subsection  
3840 also applies to all Breeder's Cup races conducted outside this  
3841 state taken pursuant to s. 550.3551(3). On any race originating  
3842 live in this state which is broadcast out-of-state to any  
3843 location at which wagers are accepted pursuant to s.

3844 550.3551(2), the host track is required to pay 3.475 percent of  
3845 the gross revenue derived from such out-of-state broadcasts as  
3846 breeders', stallion, or special racing awards. The Florida  
3847 Thoroughbred Breeders' Association is authorized to receive  
3848 these payments from the permitholders and make payments of  
3849 awards earned. The Florida Thoroughbred Breeders' Association  
3850 has the right to withhold up to 10 percent of the permitholder's  
3851 payments under this section as a fee for administering the  
3852 payments of awards and for general promotion of the industry.  
3853 The permitholder shall remit these payments to the Florida  
3854 Thoroughbred Breeders' Association by the 5th day of each  
3855 calendar month for such sums accruing during the preceding  
3856 calendar month and shall report such payments to the division as  
3857 prescribed by the division. With the exception of the 10-percent

580-01687B-12

2012710c1

3858 fee, the moneys paid by the permitholders shall be maintained in  
3859 a separate, interest-bearing account, and such payments together  
3860 with any interest earned shall be used exclusively for the  
3861 payment of breeders', stallion, or special racing awards in  
3862 accordance with the following provisions:

3863 (j) If the division finds that the Florida Thoroughbred  
3864 Breeders' Association has not complied with any provision of  
3865 this section, the division may order the association to cease  
3866 and desist from receiving funds and administering funds received  
3867 under this section. If the division enters such an order, the  
3868 permitholder shall make the payments authorized in this section  
3869 to the division for deposit into the Pari-mutuel Wagering Trust  
3870 Fund; and any funds in the Florida Thoroughbred Breeders'  
3871 Association account shall be immediately paid to the division ~~of~~  
3872 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering  
3873 Trust Fund. The division shall authorize payment from these  
3874 funds to any breeder or stallion owner entitled to an award that  
3875 has not been previously paid by the Florida Thoroughbred  
3876 Breeders' Association in accordance with the applicable rate.

3877 Section 59. Subsection (1) of section 550.2704, Florida  
3878 Statutes, is amended to read:

3879 550.2704 Jai Alai Tournament of Champions Meet.-

3880 (1) Notwithstanding any provision of this chapter, there is  
3881 hereby created a special jai alai meet which shall be designated  
3882 as the "Jai Alai Tournament of Champions Meet" and which shall  
3883 be hosted by the Florida jai alai permitholders selected by the  
3884 National Association of Jai Alai Frontons, Inc., to conduct such  
3885 meet. The meet shall consist of three qualifying performances  
3886 and a final performance, each of which is to be conducted on

580-01687B-12

2012710c1

3887 different days. Upon the selection of the Florida permitholders  
3888 for the meet, and upon application by the selected  
3889 permitholders, the division of ~~Pari-mutuel Wagering~~ shall issue  
3890 a license to each of the selected permitholders to operate the  
3891 meet. The meet may be conducted during a season in which the  
3892 permitholders selected to conduct the meet are not otherwise  
3893 authorized to conduct a meet. Notwithstanding anything herein to  
3894 the contrary, any Florida permitholder who is to conduct a  
3895 performance which is a part of the Jai Alai Tournament of  
3896 Champions Meet shall not be required to apply for the license  
3897 for said meet if it is to be run during the regular season for  
3898 which such permitholder has a license.

3899 Section 60. Subsection (3) of section 550.902, Florida  
3900 Statutes, is amended to read:

3901 550.902 Purposes.—The purposes of this compact are to:

3902 (3) Authorize the department of ~~Business and Professional~~  
3903 ~~Regulation~~ to participate in this compact.

3904 Section 61. Subsection (1) of section 550.907, Florida  
3905 Statutes, is amended to read:

3906 550.907 Compact committee.—

3907 (1) There is created an interstate governmental entity to  
3908 be known as the "compact committee," which shall be composed of  
3909 one official from the racing commission, or the equivalent  
3910 thereof, in each party state who shall be appointed, serve, and  
3911 be subject to removal in accordance with the laws of the party  
3912 state that she or he represents. The official from Florida shall  
3913 be appointed by the State Gaming Commission ~~Secretary of~~  
3914 ~~Business and Professional Regulation~~. Pursuant to the laws of  
3915 her or his party state, each official shall have the assistance

580-01687B-12

2012710c1

3916 of her or his state's racing commission, or the equivalent  
3917 thereof, in considering issues related to licensing of  
3918 participants in pari-mutuel wagering and in fulfilling her or  
3919 his responsibilities as the representative from her or his state  
3920 to the compact committee.

3921 Section 62. Section 551.101, Florida Statutes, is amended  
3922 to read:

3923 551.101 Slot machine gaming authorized.—Any licensed pari-  
3924 mutuel facility located in Miami-Dade County or Broward County  
3925 existing at the time of adoption of s. 23, Art. X of the State  
3926 Constitution that has conducted live racing or games during  
3927 calendar years 2002 and 2003 may possess slot machines and  
3928 conduct slot machine gaming at the location where the pari-  
3929 mutuel permitholder is authorized to conduct pari-mutuel  
3930 wagering activities pursuant to such permitholder's valid pari-  
3931 mutuel permit provided that a majority of voters in a countywide  
3932 referendum have approved slot machines at such facility in the  
3933 respective county. Slot machine gaming may also be conducted at  
3934 any licensed pari-mutuel facility at the location where the  
3935 pari-mutuel permitholder is authorized to conduct pari-mutuel  
3936 wagering activities located in any other county provided the  
3937 county where the facility is located has authorized the pari-  
3938 mutuel facility to conduct slot machine gaming pursuant to a  
3939 countywide referendum that must be approved by the majority of  
3940 voters in the county prior to December 31, 2014. Notwithstanding  
3941 any other provision of law, it is not a crime for a person to  
3942 participate in slot machine gaming at a pari-mutuel facility  
3943 licensed to possess slot machines and conduct slot machine  
3944 gaming or to participate in slot machine gaming described in



580-01687B-12

2012710c1

3945 this part ~~chapter~~.

3946 Section 63. Section 551.102, Florida Statutes, is amended  
3947 to read:

3948 551.102 Definitions.—As used in this part ~~chapter~~, the  
3949 term:

3950 (1) "Distributor" means any person who sells, leases, or  
3951 offers or otherwise provides, distributes, or services any slot  
3952 machine or associated equipment for use or play of slot machines  
3953 in this state. A manufacturer may be a distributor within the  
3954 state.

3955 (2) "Designated slot machine gaming area" means the area or  
3956 areas of a facility of a slot machine licensee in which slot  
3957 machine gaming may be conducted in accordance with the  
3958 provisions of this part ~~chapter~~.

3959 ~~(3) "Division" means the Division of Pari-mutuel Wagering  
3960 of the Department of Business and Professional Regulation.~~

3961 (3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel  
3962 facility located in Miami-Dade County or Broward County existing  
3963 at the time of adoption of s. 23, Art. X of the State  
3964 Constitution that has conducted live racing or games during  
3965 calendar years 2002 and 2003 and has been approved by a majority  
3966 of voters in a countywide referendum to have slot machines at  
3967 such facility in the respective county; any licensed pari-mutuel  
3968 facility located within a county as defined in s. 125.011,  
3969 provided such facility has conducted live racing or games for 2  
3970 consecutive calendar years immediately preceding its application  
3971 for a slot machine license, pays the required license fee, and  
3972 meets the other requirements of this part ~~chapter~~; or any  
3973 licensed pari-mutuel facility in any other county in which a

580-01687B-12

2012710c1

3974 majority of voters have approved slot machines at such  
3975 facilities in a countywide referendum held before December 31,  
3976 2014 pursuant to a statutory or constitutional authorization  
3977 after the effective date of this section in the respective  
3978 county, provided such facility has conducted a full schedule of  
3979 live racing for 2 consecutive calendar years immediately  
3980 preceding its application for a slot machine license, pays the  
3981 required licensed fee, and meets the other requirements of this  
3982 part chapter. Notwithstanding any other provision of law, slot  
3983 machine gaming may be conducted only at the location of a pari-  
3984 mutuel facility where the permitholder has conducted a full  
3985 schedule of live racing or games at the facility prior to  
3986 January 15, 2012.

3987 (4)-(5) "Manufacturer" means any person who manufactures,  
3988 builds, rebuilds, fabricates, assembles, produces, programs,  
3989 designs, or otherwise makes modifications to any slot machine or  
3990 associated equipment for use or play of slot machines in this  
3991 state for gaming purposes. A manufacturer may be a distributor  
3992 within the state.

3993 (5)-(6) "Nonredeemable credits" means slot machine operating  
3994 credits that cannot be redeemed for cash or any other thing of  
3995 value by a slot machine, kiosk, or the slot machine licensee and  
3996 that are provided free of charge to patrons. Such credits do not  
3997 constitute "nonredeemable credits" until such time as they are  
3998 metered as credit into a slot machine and recorded in the  
3999 facility-based monitoring system.

4000 (6)-(7) "Progressive system" means a computerized system  
4001 linking slot machines in one or more licensed facilities within  
4002 this state or other jurisdictions and offering one or more

580-01687B-12

2012710c1

4003 common progressive payouts based on the amounts wagered.

4004       (7)~~(8)~~ "Slot machine" means any mechanical or electrical  
4005 contrivance, terminal that may or may not be capable of  
4006 downloading slot games from a central server system, machine, or  
4007 other device that, upon insertion of a coin, bill, ticket,  
4008 token, or similar object or upon payment of any consideration  
4009 whatsoever, including the use of any electronic payment system  
4010 except a credit card or debit card, is available to play or  
4011 operate, the play or operation of which, whether by reason of  
4012 skill or application of the element of chance or both, may  
4013 deliver or entitle the person or persons playing or operating  
4014 the contrivance, terminal, machine, or other device to receive  
4015 cash, billets, tickets, tokens, or electronic credits to be  
4016 exchanged for cash or to receive merchandise or anything of  
4017 value whatsoever, whether the payoff is made automatically from  
4018 the machine or manually. The term includes associated equipment  
4019 necessary to conduct the operation of the contrivance, terminal,  
4020 machine, or other device. Slot machines may use spinning reels,  
4021 video displays, or both. A slot machine is not a "coin-operated  
4022 amusement machine" as defined in s. 212.02(24) or an amusement  
4023 game or machine as described in s. 849.161, and slot machines  
4024 are not subject to the tax imposed by s. 212.05(1)(h).

4025       (8)~~(9)~~ "Slot machine facility" means a facility at which  
4026 slot machines as defined in this part ~~chapter~~ are lawfully  
4027 offered for play.

4028       (9)~~(10)~~ "Slot machine license" means a license issued by  
4029 the division authorizing a pari-mutuel permitholder to place and  
4030 operate slot machines as provided by ~~s. 23, Art. X of the State~~  
4031 ~~Constitution~~, the provisions of this part ~~chapter~~, and

580-01687B-12

2012710c1

4032 department ~~division~~ rules.

4033 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel  
4034 permitholder who holds a license issued by the division pursuant  
4035 to this part ~~chapter~~ that authorizes such person to possess a  
4036 slot machine within an eligible pari-mutuel facility ~~facilities~~  
4037 ~~specified in s. 23, Art. X of the State Constitution~~ and allows  
4038 slot machine gaming.

4039 (11)~~(12)~~ "Slot machine operator" means a person employed or  
4040 contracted by the owner of a licensed facility to conduct slot  
4041 machine gaming at that licensed facility.

4042 (12)~~(13)~~ "Slot machine revenues" means the total of all  
4043 cash and property, except nonredeemable credits, received by the  
4044 slot machine licensee from the operation of slot machines less  
4045 the amount of cash, cash equivalents, credits, and prizes paid  
4046 to winners of slot machine gaming.

4047 Section 64. Subsections (1), (2), and (3) and paragraph (b)  
4048 of subsection (4) of section 551.103, Florida Statutes, are  
4049 amended to read:

4050 551.103 Powers and duties of the division and law  
4051 enforcement.—

4052 (1) The department ~~division~~ shall adopt, pursuant to the  
4053 provisions of ss. 120.536(1) and 120.54, all rules necessary to  
4054 implement, administer, and regulate slot machine gaming as  
4055 authorized in this part ~~chapter~~. Such rules must include:

4056 (a) Procedures for applying for a slot machine license and  
4057 renewal of a slot machine license.

4058 (b) Technical requirements and the qualifications contained  
4059 in this part ~~chapter~~ that are necessary to receive a slot  
4060 machine license or slot machine occupational license.

580-01687B-12

2012710c1

4061 (c) Procedures to scientifically test and technically  
4062 evaluate slot machines for compliance with this part ~~chapter~~.  
4063 The division may contract with an independent testing laboratory  
4064 to conduct any necessary testing under this section. The  
4065 independent testing laboratory must have a national reputation  
4066 which is demonstrably competent and qualified to scientifically  
4067 test and evaluate slot machines for compliance with this part  
4068 ~~chapter~~ and to otherwise perform the functions assigned to it in  
4069 this part ~~chapter~~. An independent testing laboratory shall not  
4070 be owned or controlled by a licensee. The use of an independent  
4071 testing laboratory for any purpose related to the conduct of  
4072 slot machine gaming by a licensee under this part ~~chapter~~ shall  
4073 be made from a list of one or more laboratories approved by the  
4074 division.

4075 (d) Procedures relating to slot machine revenues, including  
4076 verifying and accounting for such revenues, auditing, and  
4077 collecting taxes and fees consistent with this part ~~chapter~~.

4078 (e) Procedures for regulating, managing, and auditing the  
4079 operation, financial data, and program information relating to  
4080 slot machine gaming that allow the division and the Department  
4081 of Law Enforcement to audit the operation, financial data, and  
4082 program information of a slot machine licensee, as required by  
4083 the division or the Department of Law Enforcement, and provide  
4084 the division and the Department of Law Enforcement with the  
4085 ability to monitor, at any time on a real-time basis, wagering  
4086 patterns, payouts, tax collection, and compliance with any rules  
4087 adopted by the department ~~division~~ for the regulation and  
4088 control of slot machines operated under this part ~~chapter~~. Such  
4089 continuous and complete access, at any time on a real-time

580-01687B-12

2012710c1

4090 basis, shall include the ability of either the division or the  
4091 Department of Law Enforcement to suspend play immediately on  
4092 particular slot machines if monitoring of the facilities-based  
4093 computer system indicates possible tampering or manipulation of  
4094 those slot machines or the ability to suspend play immediately  
4095 of the entire operation if the tampering or manipulation is of  
4096 the computer system itself. The division shall notify the  
4097 Department of Law Enforcement or the Department of Law  
4098 Enforcement shall notify the division, as appropriate, whenever  
4099 there is a suspension of play under this paragraph. The division  
4100 and the Department of Law Enforcement shall exchange such  
4101 information necessary for and cooperate in the investigation of  
4102 the circumstances requiring suspension of play under this  
4103 paragraph.

4104 (f) Procedures for requiring each licensee at his or her  
4105 own cost and expense to supply the division with a bond having  
4106 the penal sum of \$2 million payable to the Governor and his or  
4107 her successors in office for each year of the licensee's slot  
4108 machine operations. Any bond shall be issued by a surety or  
4109 sureties approved by the division and the Chief Financial  
4110 Officer, conditioned to faithfully make the payments to the  
4111 Chief Financial Officer in his or her capacity as treasurer of  
4112 the division. The licensee shall be required to keep its books  
4113 and records and make reports as provided in this part ~~chapter~~  
4114 and to conduct its slot machine operations in conformity with  
4115 this part ~~chapter~~ and all other provisions of law. Such bond  
4116 shall be separate and distinct from the bond required in s.  
4117 550.125.

4118 (g) Procedures for requiring licensees to maintain

580-01687B-12

2012710c1

4119 specified records and submit any data, information, record, or  
4120 report, including financial and income records, required by this  
4121 part ~~chapter~~ or determined by the division to be necessary to  
4122 the proper implementation and enforcement of this part ~~chapter~~.

4123 (h) A requirement that the payout percentage of a slot  
4124 machine be no less than 85 percent.

4125 (i) Minimum standards for security of the facilities,  
4126 including floor plans, security cameras, and other security  
4127 equipment.

4128 (j) Procedures for requiring slot machine licensees to  
4129 implement and establish drug-testing programs for all slot  
4130 machine occupational licensees.

4131 (2) The division shall conduct such investigations  
4132 necessary to fulfill its responsibilities under the provisions  
4133 of this part ~~chapter~~.

4134 (3) The Department of Law Enforcement and local law  
4135 enforcement agencies shall have concurrent jurisdiction to  
4136 investigate criminal violations of this part ~~chapter~~ and may  
4137 investigate any other criminal violation of law occurring at the  
4138 facilities of a slot machine licensee, and such investigations  
4139 may be conducted in conjunction with the appropriate state  
4140 attorney.

4141 (4)

4142 (b) In addition, the division may:

4143 1. Collect taxes, assessments, fees, and penalties.

4144 2. Deny, revoke, suspend, or place conditions on the  
4145 license of a person who violates any provision of this part  
4146 ~~chapter~~ or rule adopted pursuant thereto.

4147 Section 65. Subsections (1) and (2), paragraph (a) of

580-01687B-12

2012710c1

4148 subsection (4), subsections (6) and (8), and paragraph (d) of  
4149 subsection (10) of section 551.104, Florida Statutes, are  
4150 amended to read:

4151 551.104 License to conduct slot machine gaming.—

4152 (1) Upon application and a finding by the division after  
4153 investigation that the application is complete and the applicant  
4154 is qualified and payment of the initial license fee, the  
4155 division may issue a license to conduct slot machine gaming in  
4156 the designated slot machine gaming area of the eligible  
4157 facility. Once licensed, slot machine gaming may be conducted  
4158 subject to the requirements of this part ~~chapter~~ and rules  
4159 adopted pursuant thereto.

4160 (2) An application may be approved by the division only  
4161 after the voters of the county where the applicant's facility is  
4162 located have authorized by referendum slot machines within pari-  
4163 mutuel facilities in that county by a countywide referendum  
4164 where the majority of voters have approved slot machine gaming  
4165 in that county prior to December 31, 2014 ~~as specified in s. 23,~~  
4166 ~~Art. X of the State Constitution.~~ Notwithstanding any other  
4167 provision of law, unless authorized by s. 23, Art. X of the  
4168 State Constitution, the division may not issue any new slot  
4169 machine licenses until a destination resort licensee has begun  
4170 to offer the play of limited gaming to the public, as defined in  
4171 s. 551.302. Notwithstanding any other provision of law or a  
4172 decision from a court of competent jurisdiction, a slot machine  
4173 license may be issued to an eligible facility outside Miami-Dade  
4174 County or Broward County; however, such license does not  
4175 authorize slot machine gaming or require payment of any license  
4176 fees or regulatory fees before July 7, 2015.



580-01687B-12

2012710c1

4177 (4) As a condition of licensure and to maintain continued  
4178 authority for the conduct of slot machine gaming, the slot  
4179 machine licensee shall:

4180 (a) Continue to be in compliance with this part ~~chapter~~.

4181 (6) A slot machine licensee shall keep and maintain  
4182 permanent daily records of its slot machine operation and shall  
4183 maintain such records for a period of not less than 5 years.  
4184 These records must include all financial transactions and  
4185 contain sufficient detail to determine compliance with the  
4186 requirements of this part ~~chapter~~. All records shall be  
4187 available for audit and inspection by the division, the  
4188 Department of Law Enforcement, or other law enforcement agencies  
4189 during the licensee's regular business hours.

4190 (8) A slot machine licensee shall file with the division an  
4191 audit of the receipt and distribution of all slot machine  
4192 revenues provided by an independent certified public accountant  
4193 verifying compliance with all financial and auditing provisions  
4194 of this part ~~chapter~~ and the associated rules adopted under this  
4195 part ~~chapter~~. The audit must include verification of compliance  
4196 with all statutes and rules regarding all required records of  
4197 slot machine operations. Such audit shall be filed within 60  
4198 days after the completion of the permitholder's pari-mutuel  
4199 meet.

4200 (10)

4201 (d) If any provision of this subsection or its application  
4202 to any person or circumstance is held invalid, the invalidity  
4203 does not affect other provisions or applications of this  
4204 subsection or part ~~chapter~~ which can be given effect without the  
4205 invalid provision or application, and to this end the provisions

580-01687B-12

2012710c1

4206 of this subsection are severable.

4207 Section 66. Subsection (1), paragraph (a) of subsection  
4208 (2), and subsection (4) of section 551.106, Florida Statutes,  
4209 are amended to read:

4210 551.106 License fee; tax rate; penalties.—

4211 (1) LICENSE FEE.—

4212 ~~(a)~~ Upon submission of the initial application for a slot  
4213 machine license and annually thereafter, on the anniversary date  
4214 of the issuance of the initial license, the licensee must pay to  
4215 the division a nonrefundable license fee of \$2 ~~\$3~~ million for  
4216 the succeeding 12 months of licensure. ~~In the 2010-2011 fiscal~~  
4217 ~~year, the licensee must pay the division a nonrefundable license~~  
4218 ~~fee of \$2.5 million for the succeeding 12 months of licensure.~~  
4219 ~~In the 2011-2012 fiscal year and for every fiscal year~~  
4220 ~~thereafter, the licensee must pay the division a nonrefundable~~  
4221 ~~license fee of \$2 million for the succeeding 12 months of~~  
4222 ~~licensure.~~ The license fee shall be deposited into the Pari-  
4223 mutuel Wagering Trust Fund ~~of the Department of Business and~~  
4224 ~~Professional Regulation~~ to be used by the division and the  
4225 Department of Law Enforcement for investigations, regulation of  
4226 slot machine gaming, and enforcement of slot machine gaming  
4227 provisions under this part ~~chapter~~. These payments shall be  
4228 accounted for separately from taxes or fees paid pursuant to the  
4229 provisions of chapter 550.

4230 ~~(b) Prior to January 1, 2007, the division shall evaluate~~  
4231 ~~the license fee and shall make recommendations to the President~~  
4232 ~~of the Senate and the Speaker of the House of Representatives~~  
4233 ~~regarding the optimum level of slot machine license fees in~~  
4234 ~~order to adequately support the slot machine regulatory program.~~

580-01687B-12

2012710c1

4235 (2) TAX ON SLOT MACHINE REVENUES.—

4236 (a) The tax rate on slot machine revenues at each facility  
4237 shall be 10 ~~35~~ percent. If, during any state fiscal year, the  
4238 aggregate amount of tax paid to the state by all slot machine  
4239 licensees ~~in Broward and Miami-Dade Counties~~ is less than the  
4240 aggregate amount of tax paid to the state by all slot machine  
4241 licensees in the 2008-2009 fiscal year, each slot machine  
4242 licensee and resort licensee shall pay to the state within 45  
4243 days after the end of the state fiscal year a surcharge equal to  
4244 its pro rata share of an amount equal to the difference between  
4245 the aggregate amount of tax paid to the state by all slot  
4246 machine licensees in the 2008-2009 fiscal year and the amount of  
4247 tax paid during the fiscal year. Each licensee's pro rata share  
4248 shall be an amount determined by dividing the amount paid on  
4249 slot machines by each slot and resort licensee authorized to  
4250 operate slot machines by the total taxes paid by all slot  
4251 machine and resort licensees authorized to operate slot machines  
4252 ~~the number 1 by the number of facilities licensed to operate~~  
4253 ~~slot machines during the applicable fiscal year, regardless of~~  
4254 ~~whether the facility is operating such machines.~~

4255 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who  
4256 fails to make tax payments as required under this section is  
4257 subject to an administrative penalty of up to \$10,000 for each  
4258 day the tax payment is not remitted. All administrative  
4259 penalties imposed and collected shall be deposited into the  
4260 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~  
4261 ~~and Professional Regulation~~. If any slot machine licensee fails  
4262 to pay penalties imposed by order of the division under this  
4263 subsection, the division may suspend, revoke, or refuse to renew

580-01687B-12

2012710c1

4264 the license of the slot machine licensee.

4265 Section 67. Subsection (1), paragraph (d) of subsection  
4266 (4), paragraph (a) of subsection (6), and subsection (11) of  
4267 section 551.107, Florida Statutes, are amended to read:

4268 551.107 Slot machine occupational license; findings;  
4269 application; fee.—

4270 (1) The Legislature finds that individuals and entities  
4271 that are licensed under this section require heightened state  
4272 scrutiny, including the submission by the individual licensees  
4273 or persons associated with the entities described in this part  
4274 ~~chapter~~ of fingerprints for a criminal history record check.

4275 (4)

4276 (d) The slot machine occupational license fee for initial  
4277 application and annual renewal shall be determined by rule of  
4278 the department ~~division~~ but may not exceed \$50 for a general or  
4279 professional occupational license for an employee of the slot  
4280 machine licensee or \$1,000 for a business occupational license  
4281 for nonemployees of the licensee providing goods or services to  
4282 the slot machine licensee. License fees for general occupational  
4283 licensees shall be paid by the slot machine licensee. Failure to  
4284 pay the required fee constitutes grounds for disciplinary action  
4285 by the division against the slot machine licensee, but it is not  
4286 a violation of this part ~~chapter~~ or rules of the department  
4287 ~~division~~ by the general occupational licensee and does not  
4288 prohibit the initial issuance or the renewal of the general  
4289 occupational license.

4290 (6) (a) The division may deny, suspend, revoke, or refuse to  
4291 renew any slot machine occupational license if the applicant for  
4292 such license or the licensee has violated the provisions of this

580-01687B-12

2012710c1

4293 ~~part chapter~~ or the rules of the department ~~division~~ governing  
4294 the conduct of persons connected with slot machine gaming. In  
4295 addition, the division may deny, suspend, revoke, or refuse to  
4296 renew any slot machine occupational license if the applicant for  
4297 such license or the licensee has been convicted in this state,  
4298 in any other state, or under the laws of the United States of a  
4299 capital felony, a felony, or an offense in any other state that  
4300 would be a felony under the laws of this state involving arson;  
4301 trafficking in, conspiracy to traffic in, smuggling, importing,  
4302 conspiracy to smuggle or import, or delivery, sale, or  
4303 distribution of a controlled substance; racketeering; or a crime  
4304 involving a lack of good moral character, or has had a gaming  
4305 license revoked by this state or any other jurisdiction for any  
4306 gaming-related offense.

4307 (11) The division may impose a civil fine of up to \$5,000  
4308 for each violation of this part ~~chapter~~ or the rules of the  
4309 department ~~division~~ in addition to or in lieu of any other  
4310 penalty provided for in this section. The department ~~division~~  
4311 may adopt a penalty schedule for violations of this part ~~chapter~~  
4312 or any rule adopted pursuant to this part ~~chapter~~ for which it  
4313 would impose a fine in lieu of a suspension and adopt rules  
4314 allowing for the issuance of citations, including procedures to  
4315 address such citations, to persons who violate such rules. In  
4316 addition to any other penalty provided by law, the division may  
4317 exclude from all licensed slot machine facilities in this state,  
4318 for a period not to exceed the period of suspension, revocation,  
4319 or ineligibility, any person whose occupational license  
4320 application has been declared ineligible to hold an occupational  
4321 license or whose occupational license has been suspended or

580-01687B-12

2012710c1

4322 revoked by the division.

4323 Section 68. Subsection (2) of section 551.108, Florida  
4324 Statutes, is amended to read:

4325 551.108 Prohibited relationships.—

4326 (2) A manufacturer or distributor of slot machines may not  
4327 enter into any contract with a slot machine licensee that  
4328 provides for any revenue sharing of any kind or nature that is  
4329 directly or indirectly calculated on the basis of a percentage  
4330 of slot machine revenues. Any maneuver, shift, or device whereby  
4331 this subsection is violated is a violation of this part ~~chapter~~  
4332 and renders any such agreement void.

4333 Section 69. Subsections (1), (2), and (7) of section  
4334 551.109, Florida Statutes, are amended to read:

4335 551.109 Prohibited acts; penalties.—

4336 (1) Except as otherwise provided by law and in addition to  
4337 any other penalty, any person who knowingly makes or causes to  
4338 be made, or aids, assists, or procures another to make, a false  
4339 statement in any report, disclosure, application, or any other  
4340 document required under this part ~~chapter~~ or any rule adopted  
4341 under this part ~~chapter~~ is subject to an administrative fine or  
4342 civil penalty of up to \$10,000.

4343 (2) Except as otherwise provided by law and in addition to  
4344 any other penalty, any person who possesses a slot machine  
4345 without the license required by this part ~~chapter~~ or who  
4346 possesses a slot machine at any location other than at the slot  
4347 machine licensee's facility is subject to an administrative fine  
4348 or civil penalty of up to \$10,000 per machine. The prohibition  
4349 in this subsection does not apply to:

4350 (a) Slot machine manufacturers or slot machine distributors

580-01687B-12

2012710c1

4351 that hold appropriate licenses issued by the division who are  
4352 authorized to maintain a slot machine storage and maintenance  
4353 facility at any location in a county in which slot machine  
4354 gaming is authorized by this part ~~chapter~~. The department  
4355 ~~division~~ may adopt rules regarding security and access to the  
4356 storage facility and inspections by the division.

4357 (b) Certified educational facilities that are authorized to  
4358 maintain slot machines for the sole purpose of education and  
4359 licensure, if any, of slot machine technicians, inspectors, or  
4360 investigators. The division and the Department of Law  
4361 Enforcement may possess slot machines for training and testing  
4362 purposes. The department ~~division~~ may adopt rules regarding the  
4363 regulation of any such slot machines used for educational,  
4364 training, or testing purposes.

4365 (7) All penalties imposed and collected under this section  
4366 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~  
4367 ~~the Department of Business and Professional Regulation~~.

4368 Section 70. Section 551.111, Florida Statutes, is amended  
4369 to read:

4370 551.111 Legal devices.—Notwithstanding any provision of law  
4371 to the contrary, a slot machine manufactured, sold, distributed,  
4372 possessed, or operated according to the provisions of this part  
4373 ~~chapter~~ is not unlawful.

4374 Section 71. Section 551.112, Florida Statutes, is amended  
4375 to read:

4376 551.112 Exclusions of certain persons.—In addition to the  
4377 power to exclude certain persons from any facility of a slot  
4378 machine licensee in this state, the division may exclude any  
4379 person from any facility of a slot machine licensee in this

580-01687B-12

2012710c1

4380 state for conduct that would constitute, if the person were a  
4381 licensee, a violation of this part ~~chapter~~ or the rules of the  
4382 division. The division may exclude from any facility of a slot  
4383 machine licensee any person who has been ejected from a facility  
4384 of a slot machine licensee in this state or who has been  
4385 excluded from any facility of a slot machine licensee or gaming  
4386 facility in another state by the governmental department,  
4387 agency, commission, or authority exercising regulatory  
4388 jurisdiction over the gaming in such other state. This section  
4389 does not abrogate the common law right of a slot machine  
4390 licensee to exclude a patron absolutely in this state.

4391 Section 72. Section 551.117, Florida Statutes, is amended  
4392 to read:

4393 551.117 Penalties.—The division may revoke or suspend any  
4394 slot machine license issued under this part ~~chapter~~ upon the  
4395 willful violation by the slot machine licensee of any provision  
4396 of this part ~~chapter~~ or of any rule adopted under this part  
4397 ~~chapter~~. In lieu of suspending or revoking a slot machine  
4398 license, the division may impose a civil penalty against the  
4399 slot machine licensee for a violation of this part ~~chapter~~ or  
4400 any rule adopted by the department ~~division~~. Except as otherwise  
4401 provided in this part ~~chapter~~, the penalty so imposed may not  
4402 exceed \$100,000 for each count or separate offense. All  
4403 penalties imposed and collected must be deposited into the Pari-  
4404 mutuel Wagering Trust Fund ~~of the Department of Business and~~  
4405 ~~Professional Regulation~~.

4406 Section 73. Subsections (2) and (3) of section 551.118,  
4407 Florida Statutes, are amended to read:

4408 551.118 Compulsive or addictive gambling prevention



580-01687B-12

2012710c1

4409 program.—

4410 (2) The division shall, subject to competitive bidding,  
4411 contract for direct ~~provision of~~ services related to the  
4412 prevention of compulsive and addictive gambling. ~~The contract~~  
4413 ~~shall provide for an advertising program to encourage~~  
4414 ~~responsible gaming practices and to publicize a gambling~~  
4415 ~~telephone help line. Such advertisements must be made both~~  
4416 ~~publicly and inside the designated slot machine gaming areas of~~  
4417 ~~the licensee's facilities. The terms of any contract for the~~  
4418 ~~provision of such services shall include accountability~~  
4419 ~~standards that must be met by any private provider. The failure~~  
4420 ~~of any private provider to meet any material terms of the~~  
4421 ~~contract, including the accountability standards, shall~~  
4422 ~~constitute a breach of contract or grounds for nonrenewal. The~~  
4423 ~~division may consult with the Department of the Lottery in the~~  
4424 ~~development of the program and the development and analysis of~~  
4425 ~~any procurement for contractual services for the compulsive or~~  
4426 ~~addictive gambling prevention program.~~

4427 (3) Each licensee is responsible for contributing to the  
4428 compulsive or addictive gambling fund treatment program. Within  
4429 60 days after the end of each state fiscal year, the department  
4430 must calculate the amount due from each licensee based upon the  
4431 amount of gross revenues of each licensee received during the  
4432 prior state fiscal year. Each licensee must pay 0.25 percent of  
4433 the total of the gross revenues generated at the licensed slot  
4434 machine facility within 90 days after the end of each state  
4435 fiscal year. ~~The compulsive or addictive gambling prevention~~  
4436 program shall be funded from an annual nonrefundable regulatory  
4437 fee of \$250,000 paid by the licensee to the division.

580-01687B-12

2012710c1

4438 Section 74. Section 551.119, Florida Statutes, is amended  
4439 to read:

4440 551.119 Caterer's license.—A slot machine licensee is  
4441 entitled to a caterer's license pursuant to s. 565.02 on days on  
4442 which the pari-mutuel facility is open to the public for slot  
4443 machine game play as authorized by this part ~~chapter~~.

4444 Section 75. Section 551.122, Florida Statutes, is amended  
4445 to read:

4446 551.122 Rulemaking.—The department ~~division~~ may adopt rules  
4447 pursuant to ss. 120.536(1) and 120.54 to administer the  
4448 provisions of this part ~~chapter~~.

4449 Section 76. Section 551.123, Florida Statutes, is amended  
4450 to read:

4451 551.123 Legislative authority; administration of part  
4452 ~~chapter~~.—The Legislature finds and declares that it has  
4453 exclusive authority over the conduct of all wagering occurring  
4454 at a slot machine facility in this state. As provided by law,  
4455 only the division of ~~Pari-mutuel Wagering~~ and other authorized  
4456 state agencies shall administer this part ~~chapter~~ and regulate  
4457 the slot machine gaming industry, including operation of slot  
4458 machine facilities, games, slot machines, and facilities-based  
4459 computer systems authorized in this part ~~chapter~~ and the rules  
4460 adopted by the department ~~division~~.

4461 Section 77. Subsection (5) of section 565.02, Florida  
4462 Statutes, is amended to read:

4463 565.02 License fees; vendors; clubs; caterers; and others.—

4464 (5) A caterer at a horse or dog racetrack or jai alai  
4465 fronton may obtain a license upon the payment of an annual state  
4466 license tax of \$675. Such caterer's license shall permit sales

580-01687B-12

2012710c1

4467 only within the enclosure in which such races or jai alai games  
4468 are conducted, and such licensee shall be permitted to sell only  
4469 during the period beginning 10 days before and ending 10 days  
4470 after racing or jai alai under the authority of the Division of  
4471 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming  
4472 Control ~~Business and Professional Regulation~~ is conducted at  
4473 such racetrack or jai alai fronton. Except as in this subsection  
4474 otherwise provided, caterers licensed hereunder shall be treated  
4475 as vendors licensed to sell by the drink the beverages mentioned  
4476 herein and shall be subject to all the provisions hereof  
4477 relating to such vendors.

4478 Section 78. Section 817.37, Florida Statutes, is amended to  
4479 read:

4480 817.37 Touting; defining; providing punishment; ejection  
4481 from racetracks.—

4482 (1) Any person who knowingly and designedly by false  
4483 representation attempts to, or does persuade, procure or cause  
4484 another person to wager on a horse in a race to be run in this  
4485 state or elsewhere, and upon which money is wagered in this  
4486 state, and who asks or demands compensation as a reward for  
4487 information or purported information given in such case is a  
4488 tout, and is guilty of touting.

4489 (2) Any person who is a tout, or who attempts or conspires  
4490 to commit touting, shall be guilty of a misdemeanor of the  
4491 second degree, punishable as provided in s. 775.082 or s.  
4492 775.083.

4493 (3) Any person who in the commission of touting falsely  
4494 uses the name of any official of the ~~Florida~~ Division of  
4495 Licensure of the Department of Gaming Control ~~Pari-mutuel~~

580-01687B-12

2012710c1

4496 ~~Wagering~~, its inspectors or attaches, or of any official of any  
4497 racetrack association, or the names of any owner, trainer,  
4498 jockey, or other person licensed by the ~~Florida~~ Division of  
4499 Licensure of the Department of Gaming Control ~~Pari-mutuel~~  
4500 ~~Wagering~~, as the source of any information or purported  
4501 information shall be guilty of a felony of the third degree,  
4502 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4503 (4) Any person who has been convicted of touting by any  
4504 court, and the record of whose conviction on such charge is on  
4505 file in the office of the ~~Florida~~ Division of Licensure of the  
4506 Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of  
4507 this state, or of the Federal Bureau of Investigation, or any  
4508 person who has been ejected from any racetrack of this or any  
4509 other state for touting or practices inimical to the public  
4510 interest shall be excluded from all racetracks in this state and  
4511 if such person returns to a racetrack he or she shall be guilty  
4512 of a misdemeanor of the second degree, punishable as provided in  
4513 s. 775.082 or s. 775.083. Any such person who refuses to leave  
4514 such track when ordered to do so by inspectors of the ~~Florida~~  
4515 Division of Licensure of the Department of Gaming Control ~~Pari-~~  
4516 ~~mutuel Wagering~~ or by any peace officer, or by an accredited  
4517 attache of a racetrack or association shall be guilty of a  
4518 separate offense which shall be a misdemeanor of the second  
4519 degree, punishable as provided in s. 775.083.

4520 Section 79. Paragraph (g) of subsection (2) and subsections  
4521 (4) and (16) of section 849.086, Florida Statutes, are amended  
4522 to read:

4523 849.086 Cardrooms authorized.—

4524 (2) DEFINITIONS.—As used in this section:

580-01687B-12

2012710c1

4525 (g) "Division" means the Division of Licensure ~~Pari-mutuel~~  
4526 ~~Wagering~~ of the Department of Gaming Control ~~Business and~~  
4527 ~~Professional Regulation~~.

4528 (4) AUTHORITY OF DIVISION.—The division ~~of Pari-mutuel~~  
4529 ~~Wagering of the Department of Business and Professional~~  
4530 ~~Regulation~~ shall administer this section and regulate the  
4531 operation of cardrooms under this section and the rules adopted  
4532 pursuant thereto, and is hereby authorized to:

4533 (a) Adopt rules, including, but not limited to: the  
4534 issuance of cardroom and employee licenses for cardroom  
4535 operations; the operation of a cardroom; recordkeeping and  
4536 reporting requirements; and the collection of all fees and taxes  
4537 imposed by this section.

4538 (b) Conduct investigations and monitor the operation of  
4539 cardrooms and the playing of authorized games therein.

4540 (c) Review the books, accounts, and records of any current  
4541 or former cardroom operator.

4542 (d) Suspend or revoke any license or permit, after hearing,  
4543 for any violation of the provisions of this section or the  
4544 administrative rules adopted pursuant thereto.

4545 (e) Take testimony, issue summons and subpoenas for any  
4546 witness, and issue subpoenas duces tecum in connection with any  
4547 matter within its jurisdiction.

4548 (f) Monitor and ensure the proper collection of taxes and  
4549 fees imposed by this section. Permitholder internal controls are  
4550 mandated to ensure no compromise of state funds. To that end, a  
4551 roaming division auditor will monitor and verify the cash flow  
4552 and accounting of cardroom revenue for any given operating day.

4553 (16) LOCAL GOVERNMENT APPROVAL.—The division may ~~of Pari-~~

580-01687B-12

2012710c1

4554 ~~mutuel Wagering shall~~ not issue any initial license under this  
 4555 section except upon proof in such form as the division may  
 4556 prescribe that the local government where the applicant for such  
 4557 license desires to conduct cardroom gaming has voted to approve  
 4558 such activity by a majority vote of the governing body of the  
 4559 municipality or the governing body of the county if the facility  
 4560 is not located in a municipality.

4561 Section 80. Section 849.094, Florida Statutes, is amended  
 4562 to read:

4563 849.094 Game promotion in connection with sale of consumer  
 4564 products or services.—

4565 (1) As used in this section, the term:

4566 (a) "Department" means the Department of Gaming Control.

4567 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a  
 4568 contest, game of chance, or gift enterprise, conducted within or  
 4569 throughout the state and other states in connection with the  
 4570 sale of consumer products or services, and in which the elements  
 4571 of chance and prize are present. However, the term does "game  
 4572 promotion" ~~shall not be construed to apply to bingo games~~  
 4573 conducted pursuant to s. 849.0931.

4574 (c) ~~(b)~~ "Operator" means any person, firm, corporation, or  
 4575 association or agent or employee thereof who ~~promotes,~~ operates,  
 4576 or conducts a game promotion to promote the sale of its consumer  
 4577 products or services, ~~except any charitable nonprofit~~  
 4578 ~~organization.~~

4579 (2) It is unlawful for any operator:

4580 (a) To design, engage in, promote, or conduct such a game  
 4581 promotion, in connection with the promotion or sale of consumer  
 4582 products or services, wherein the winner may be predetermined or

580-01687B-12

2012710c1

4583 the game may be manipulated or rigged so as to:

4584 1. Allocate a winning game or any portion thereof to  
4585 certain lessees, agents, or franchises; or

4586 2. Allocate a winning game or part thereof to a particular  
4587 period of the game promotion or to a particular geographic area;

4588 (b) Arbitrarily to remove, disqualify, disallow, or reject  
4589 any entry;

4590 (c) To fail to award any prizes offered;

4591 (d) To print, publish, or circulate literature or  
4592 advertising material used in connection with such game  
4593 promotions which is false, deceptive, or misleading; or

4594 (e) To require an entry fee, payment, or proof of purchase  
4595 as a condition of entering a game promotion.

4596 (3) (a) The operator of a game promotion in which the total  
4597 announced value of the prizes offered is greater than \$5,000  
4598 shall file with the department ~~Department of Agriculture and~~  
4599 ~~Consumer Services~~ a copy of the rules and regulations of the  
4600 game promotion and a list of all prizes and prize categories  
4601 offered at least 7 days before the commencement of the game  
4602 promotion.

4603 (b) Each operator of a game promotion who provides  
4604 electronic devices or computer terminals with video display  
4605 monitors that reveal or display the results of a game promotion  
4606 shall file with the department at least 7 days before  
4607 commencement of the game promotion a copy of the rules and  
4608 regulations of the game promotion and a list of all prizes and  
4609 prize categories offered. The filing shall include the physical  
4610 location of each electronic device or computer terminal and a  
4611 separate terminal fee pursuant to paragraph (11) (d) for each

580-01687B-12

2012710c1

4612 electronic device or computer terminal that is a component of  
4613 the game promotion.

4614 (c) Once filed, the ~~Such~~ rules and regulations may not  
4615 ~~thereafter~~ be changed, modified, or altered. The operator of a  
4616 game promotion shall conspicuously post the rules and  
4617 regulations of such game promotion in each ~~and every~~ retail  
4618 outlet or place where such game promotion is ~~may be~~ played or  
4619 participated in by the public and shall also publish the rules  
4620 and regulations in all advertising copy used in connection with  
4621 the game promotion ~~therewith~~. However, the ~~such~~ advertising copy  
4622 need ~~only~~ include only the material terms of the rules and  
4623 regulations if the advertising copy includes a website address,  
4624 a toll-free telephone number, or a mailing address where the  
4625 full rules and regulations may be viewed, heard, or obtained for  
4626 the full duration of the game promotion. The ~~Such~~ disclosures  
4627 must be legible. Radio and television announcements may indicate  
4628 that the rules and regulations are available at retail outlets  
4629 or from the operator of the promotion.

4630 (d) A nonrefundable filing fee of \$100 shall accompany each  
4631 filing and shall be used to pay the costs incurred in  
4632 administering and enforcing the provisions of this section.

4633 (e) The department may not accept a filing from any  
4634 operator, person, firm, corporation, association, agent, or  
4635 employee who has been found guilty of or entered a plea of nolo  
4636 contendere to, regardless of adjudication, or who fails to  
4637 satisfy a judgment, for a violation of this section.

4638 (4) (a) Each ~~Every~~ operator of ~~such~~ a game promotion in  
4639 which the total announced value of the prizes offered is greater  
4640 than \$5,000 shall establish a trust account, in a national or



580-01687B-12

2012710c1

4641 state-chartered financial institution, with a balance equal to  
4642 ~~sufficient to pay or purchase~~ the total value of all prizes  
4643 offered. On a form supplied by the department ~~Department of~~  
4644 ~~Agriculture and Consumer Services~~, an official of the financial  
4645 institution holding the trust account shall provide ~~set forth~~  
4646 the account number and dollar amount of the trust account, the  
4647 identity of the entity or individual establishing the trust  
4648 account, and the name of the game promotion for which the trust  
4649 account has been established. The ~~Such~~ form shall be filed with  
4650 the department ~~Department of Agriculture and Consumer Services~~  
4651 at least 7 days before ~~in advance of~~ the commencement of the  
4652 game promotion. In lieu of establishing a such trust account,  
4653 the operator may obtain a surety bond from a surety authorized  
4654 to do business in this state in an amount equal ~~equivalent~~ to  
4655 the total value of all prizes offered in the promotion. The; and  
4656 ~~such~~ bond shall be filed with the department ~~Department of~~  
4657 ~~Agriculture and Consumer Services~~ at least 7 days before ~~in~~  
4658 ~~advance of~~ the commencement of the game promotion. Each operator  
4659 of a game promotion who provides electronic devices or computer  
4660 terminals with video display monitors that reveal or display the  
4661 results of a game promotion shall obtain a surety bond in an  
4662 amount equal to the total value of all prizes offered, and the  
4663 bond shall be filed with the department at least 7 days before  
4664 the commencement of the game promotion.

4665 1. The moneys held in the trust account may be withdrawn in  
4666 order to pay the prizes offered only upon certification to the  
4667 department ~~Department of Agriculture and Consumer Services~~ of  
4668 the name of the winner ~~or winners~~ and the amount and value of  
4669 the prize ~~or prizes~~ and the value thereof.

580-01687B-12

2012710c1

4670           2. If the operator of a game promotion obtains ~~has obtained~~  
4671 a surety bond in lieu of establishing a trust account, the  
4672 amount of the surety bond shall equal at all times the total  
4673 amount of the prizes offered. The bond shall be in favor of the  
4674 department for the use and benefit of any consumer who qualifies  
4675 for the award of a prize under the rules and regulations of the  
4676 game promotion but who does not receive the prize awarded, and  
4677 shall be in effect until 30 days after filing the list of  
4678 winners pursuant to subsection (5). The bond shall be applicable  
4679 and liable only for the payment of the claims duly adjudicated  
4680 by order of the department. The proceedings to adjudicate the  
4681 claim shall be conducted in accordance with ss. 120.569 and  
4682 120.57.

4683           (b) The department ~~Department of Agriculture and Consumer~~  
4684 ~~Services~~ may waive the provisions of this subsection for any  
4685 operator who has conducted game promotions in the state for ~~not~~  
4686 ~~less than~~ 5 or more consecutive years and who has not had any  
4687 civil, criminal, or administrative action instituted against him  
4688 or her by the state or an agency of the state for violation of  
4689 this section within that 5-year period. The department may  
4690 revoke a waiver if it finds that an operator committed a  
4691 violation of this section. Such waiver may be revoked upon the  
4692 ~~commission of a violation of this section by such operator, as~~  
4693 ~~determined by the Department of Agriculture and Consumer~~  
4694 ~~Services.~~

4695           (5) Each ~~Every~~ operator of a game promotion in which the  
4696 total announced value of the prizes offered is greater than  
4697 \$5,000 shall provide the department ~~Department of Agriculture~~  
4698 ~~and Consumer Services~~ with a certified list of the names and

580-01687B-12

2012710c1

4699 addresses of all persons, whether from this state or from  
4700 another state, who have won prizes that ~~which~~ have a value of  
4701 more than \$25, the value of the ~~such~~ prizes, and the dates when  
4702 the prizes were won within 60 days after the ~~such~~ winners are  
4703 ~~have been finally~~ determined. The date for the final  
4704 determination of winners shall be 60 days after the ending date  
4705 of the game promotion stated in the original filing required in  
4706 subsection (3). The operator shall provide a copy of the list of  
4707 winners, without charge, to any person who requests it or shall.  
4708 ~~In lieu of the foregoing, the operator of a game promotion may,~~  
4709 ~~at his or her option,~~ publish the same information about the  
4710 winners in a ~~Florida~~ newspaper of general circulation in this  
4711 state within 60 days after the ~~such~~ winners are ~~have been~~  
4712 determined. If the operator publishes the list of winners in a  
4713 newspaper, the operator ~~and~~ shall provide to the department  
4714 ~~Department of Agriculture and Consumer Services~~ a certified copy  
4715 of the publication containing the information about the winners.  
4716 The operator of a game promotion is not required to notify a  
4717 winner by mail or by telephone when the winner is already in  
4718 possession of a game card from which the winner can determine  
4719 that he or she has won a designated prize. All winning entries  
4720 shall be held by the operator for ~~a period of~~ 90 days after the  
4721 close or completion of the game.

4722 (6) The department ~~Department of Agriculture and Consumer~~  
4723 ~~Services~~ shall keep the certified list of winners for a period  
4724 of ~~at least~~ 6 months after receipt of the certified list. The  
4725 department thereafter may dispose of all records and lists.

4726 (7) An ~~No~~ operator may not ~~shall~~ force, directly or  
4727 indirectly, a lessee, agent, or franchise dealer to purchase or

580-01687B-12

2012710c1

4728 participate in any game promotion. For the purpose of this  
4729 section, coercion or force is ~~shall be~~ presumed in these  
4730 circumstances in which a course of business extending over a  
4731 period of 1 year or longer is materially changed coincident with  
4732 a failure or refusal of a lessee, agent, or franchise dealer to  
4733 participate in such game promotions. Such force or coercion is  
4734 ~~shall further be~~ presumed when an operator advertises generally  
4735 that game promotions are available at its lessee dealers or  
4736 agent dealers.

4737 (8) (a) The department may adopt ~~Department of Agriculture~~  
4738 ~~and Consumer Services shall have the power to promulgate such~~  
4739 rules regulating and regulations respecting the operation of  
4740 game promotions which are necessary to administer this section  
4741 ~~as it may deem advisable.~~

4742 (b) If ~~Whenever~~ the department ~~Department of Agriculture~~  
4743 ~~and Consumer Services~~ or the Department of Legal Affairs has  
4744 reason to believe that a game promotion is being operated in  
4745 violation of this section, it may bring an action in the circuit  
4746 court of any judicial circuit in which the game promotion is  
4747 being operated in the name and on behalf of the people of the  
4748 state against any operator thereof to enjoin the continued  
4749 operation of such game promotion anywhere within the state.

4750 (9) (a) Any person, firm, or corporation, or association or  
4751 agent or employee thereof, who engages in any acts or practices  
4752 stated in this section to be unlawful, or who violates any of  
4753 the rules adopted ~~and regulations made~~ pursuant to this section,  
4754 commits is guilty of a misdemeanor of the second degree,  
4755 punishable as provided in s. 775.082 or s. 775.083.

4756 (b) Any person, firm, corporation, association, agent, or

580-01687B-12

2012710c1

4757 employee who violates any provision of this section or any of  
4758 the rules adopted ~~and regulations made~~ pursuant to this section  
4759 is shall be liable for a civil penalty of not more than \$1,000  
4760 for each such violation, which shall accrue to the state and may  
4761 be recovered in a civil action brought by the department  
4762 ~~Department of Agriculture and Consumer Services~~ or the  
4763 Department of Legal Affairs.

4764 (10) ~~This section does not apply to actions or transactions~~  
4765 ~~regulated by the Department of Business and Professional~~  
4766 ~~Regulation or to the activities of nonprofit organizations or to~~  
4767 ~~any other organization engaged in any enterprise other than the~~  
4768 ~~sale of consumer products or services.~~ Subsections (3), (4),  
4769 (5), (6), and (7) and paragraph (8) (a) and ~~any of the rules~~  
4770 adopted ~~made~~ pursuant thereto do not apply to television or  
4771 radio broadcasting companies licensed by the Federal  
4772 Communications Commission.

4773 (11) Each operator of a game promotion who provides  
4774 electronic devices or computer terminals with video display  
4775 monitors that reveal or display the results of a game promotion  
4776 shall:

4777 (a) File with the department, at least 7 days before the  
4778 commencement of the game promotion, a certification from an  
4779 independent testing laboratory that the electronic game  
4780 promotion software:

4781 1. Operates only games having a preconfigured finite pool  
4782 or pools of entries;

4783 2. Provides an entrant with the ability to participate in  
4784 the absence of a purchase;

4785 3. Does not distinguish an entrant who has made a purchase

580-01687B-12

2012710c1

4786 from one who has not, with respect to all advertised prizes;  
4787 4. Uses video displays that do not determine the result;  
4788 and

4789 5. Complies with the requirements of subsection (2).

4790 (b) Post a sign inside the premise which shall include the  
4791 following language in at least 26-point type: "The video  
4792 displays are for amusement and entertainment only. The video  
4793 displays do not determine the result of your game promotion  
4794 entries."

4795 (c) Affix signage that shall include the following language  
4796 in at least 10-point type on each piece of electronic equipment:  
4797 "The video displays are for amusement and entertainment only.  
4798 The video displays do not determine the result of your game  
4799 promotion entries."

4800 (d) Pay to the department annually a nonrefundable terminal  
4801 fee of \$100 per electronic device or computer terminal which  
4802 shall be remitted by the department to the Department of Revenue  
4803 for deposit into the General Revenue Fund.

4804 (12) Operators that provide electronic devices or computer  
4805 terminals with video display monitors that reveal or display the  
4806 results of a game promotion or electronic game promotion must  
4807 limit the advertisement on the exterior of the premise to the  
4808 consumer product or service sold on the premise, and that game  
4809 promotions are offered in connection with the sale of the  
4810 consumer product or service. No signs shall be posted on the  
4811 exterior of the premises which suggest gambling takes place on  
4812 the premise or which display any image commonly associated with  
4813 slot machines.

4814 (13) Electronic devices or computer terminals with video

580-01687B-12

2012710c1

4815 display monitors that reveal or display the results of a game  
4816 promotion may not dispense coins or currency.

4817 (14) This section does not allow the use of mechanical or  
4818 electromechanical reels in connection with a game promotion.

4819 (15) Electronic devices or computer terminals with video  
4820 display monitors that reveal or display the results of a game  
4821 promotion that are in compliance with this section shall not be  
4822 construed as a device as defined in s. 551.102(8), s. 849.15, or  
4823 s. 849.16.

4824 (16) A county or municipality may adopt an ordinance, code,  
4825 plan, rule, resolution, or other measure that further regulates  
4826 an existing or future operator who provides electronic devices  
4827 or computer terminals with video display monitors that reveal or  
4828 display the results of a game promotion or electronic game  
4829 promotion. A county or municipality may prohibit a future  
4830 operator from providing electronic devices or computer terminals  
4831 with video display monitors that reveal or display the results  
4832 of a game promotion or electronic game promotion.

4833 Section 81. Subsection (1) of section 849.16, Florida  
4834 Statutes, is amended to read:

4835 849.16 Machines or devices which come within provisions of  
4836 law defined.—

4837 (1) Any machine or device or system or network of computers  
4838 or other devices is a slot machine or device within the  
4839 provisions of this chapter if it is one that is adapted for use  
4840 in such a way that, as a result of the insertion of any piece of  
4841 money, coin, code, account number, credit, or other object or  
4842 method of activation, such machine, ~~or~~ device, or system or  
4843 network of computers or other devices is caused to operate or

580-01687B-12

2012710c1

4844 may be operated, whether directly or as the result of indirect  
4845 remote activation, and if the user, by reason of any element of  
4846 chance or of any other outcome of such operation unpredictable  
4847 by him or her, may:

4848 (a) Receive or become entitled to receive any piece of  
4849 money, credit, allowance, or thing of value, or any check, slug,  
4850 token, or memorandum, whether of value or otherwise, which may  
4851 be exchanged for any money, credit, allowance, or thing of value  
4852 or which may be given in trade; or

4853 (b) Secure additional chances or rights to use such  
4854 machine, apparatus, or device, even though it may, in addition  
4855 to any element of chance or unpredictable outcome of such  
4856 operation, also sell, deliver, or present some merchandise,  
4857 indication of weight, entertainment, or other thing of value.

4858 Section 82. (1) It is the responsibility of the appropriate  
4859 state agency and of the judicial branch to identify to the  
4860 Department of Gaming Control, in the form and format prescribed  
4861 by the department, persons owing an outstanding debt to any  
4862 state agency, including, but not limited to, child support  
4863 collected through a court, including spousal support or alimony  
4864 for the spouse or former spouse of the obligor if the child  
4865 support obligation is being enforced by the Department of  
4866 Revenue, overpayments of unemployment compensation benefits,  
4867 overpayment for food stamps or other entitlements, taxes, liens,  
4868 judgments, or other payments. The Department of Gaming Control  
4869 shall forward this information to the destination resort and  
4870 limited gaming licensees.

4871 (2) Any winnings of \$600 or more to any person having such  
4872 an outstanding obligation shall be withheld by the licensee and



580-01687B-12

2012710c1

4873 forwarded by the licensee to the Department of Gaming Control  
4874 for distribution to the agency claiming the debt. The department  
4875 is authorized to issue payment of the winnings balance to the  
4876 winner after deduction of the debt. If a winner owes multiple  
4877 debts that are subject to offset under this section and the  
4878 winnings are insufficient to cover all such debts, the amount of  
4879 the winnings shall be transmitted first to the agency claiming  
4880 that past due child support is owed. If a balance of the  
4881 winnings remains after payment of past due child support, the  
4882 balance shall be transmitted to other agencies claiming debts  
4883 owed to the state, pro rata, based upon the ratio of the  
4884 individual debt to the remaining debt owed to the state.

4885 (3) It is the responsibility of the licensee to ensure that  
4886 the facilities-based computer system that the licensee uses for  
4887 operational and accounting functions is specifically configured  
4888 to ensure that the requirements of this section are met.

4889 (4) It is the responsibility of the Department of Gaming  
4890 Control to identify those persons specified under subsection (1)  
4891 as having such outstanding obligations and make any transmittals  
4892 or payments as necessary.

4893 (5) A licensee is responsible for the total amount of the  
4894 debt owed under subsection (1) which was not withheld in  
4895 accordance with subsection (2).

4896 (6) The Department of Gaming Control may adopt rules  
4897 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to  
4898 implement the provisions of this section, including the  
4899 technical requirements of the facilities-based computer system.

4900 Section 83. (1) Any referendum required in this act shall  
4901 include the following language:

580-01687B-12

2012710c1

4902 (a) Destination Resorts: SHOULD THE OPERATION OF  
4903 DESTINATION RESORTS, AS DEFINED IN S. 551.302, FLORIDA STATUTES,  
4904 BE AUTHORIZED IN [NAME OF COUNTY], SUBJECT TO A \$2 BILLION  
4905 MINIMUM INVESTMENT?

4906 (b) Slot machine gaming at pari-mutuel facilities: SHOULD  
4907 THE OPERATION OF SLOT MACHINES AT [NAME OF FACILITY IN COUNTY],  
4908 BE AUTHORIZED IN [NAME OF COUNTY]?

4909 (c) Limited gaming at pari-mutuel facilities: SHOULD THE  
4910 OPERATION OF LIMITED GAMING, AS DEFINED IN S. 551.302, FLORIDA  
4911 STATUTES, AT [NAME OF FACILITY IN COUNTY], BE AUTHORIZED IN  
4912 [NAME OF COUNTY]?

4913 (2) If the question in paragraph (1)(a) is placed on the  
4914 ballot for a referendum vote, the question in paragraph (1)(c)  
4915 must also be placed on the same ballot if pari-mutuel facilities  
4916 are located in the county.

4917 Section 84. Slot machine licensees.—Notwithstanding any  
4918 other law to the contrary, when a resort licensee receives final  
4919 authorization to conduct limited gaming activities in Miami-Dade  
4920 County or Broward County, a pari-mutuel facility licensed to  
4921 operate slot machine gaming under s. 551.104, Florida Statutes,  
4922 shall be entitled to conduct all games identified in s.  
4923 551.301(14), Florida Statutes, pursuant to the provisions of s.  
4924 551.316, Florida Statutes, and the rules of the Department of  
4925 Gaming Control. Such facilities shall pay the same tax on gross  
4926 receipts of such limited gaming as the resort licensee located  
4927 within Miami-Dade County or Broward County, and shall be  
4928 entitled to operate slot machines and limited gaming in the same  
4929 manner as permitted by a resort licensee, including, but not  
4930 limited to, days and hours of operation, complimentary food and

580-01687B-12

2012710c1

4931 beverages, and credit instruments pursuant to the rules adopted  
4932 by the Department of Gaming Control. For purposes of this  
4933 section, the term "final authorization" means the announced  
4934 opening date of the resort casino, or the actual opening date,  
4935 whichever occurs first. The provisions of s. 551.3135, Florida  
4936 Statutes, do not apply to any slot machine licensee licensed as  
4937 of July 1, 2012.

4938       Section 85. If any provision of this act or its application  
4939 to any person or circumstance is held invalid, the invalidity  
4940 does not affect other provisions or applications of this act  
4941 which can be given effect without the invalid provision or  
4942 application, and to this end the provisions of this act are  
4943 severable.

4944       Section 86. Except as otherwise expressly provided in this  
4945 act and except for this section, which shall take effect upon  
4946 this act becoming a law, this act shall take effect July 1,  
4947 2012.