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LEGISLATIVE ACTION

Senate

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House

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02/28/2024 05:10 PM

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Senator Martin moved the following:

Senate Amendment (with title amendment)

Delete lines 146 - 161

and insert:

(b) If a person has received notice from the commission or any other law enforcement agency in this state that the operations at the establishment, premises, or other location violate subsection (2), and, within 48 hours of receiving such notice, fails to cease and desist such operations at the establishment, premises, or other location, or at any other location where such person is conducting operations that violate



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12 subsection (2), such person commits a felony of the third
13 degree, punishable as provided in s. 775.082, s. 775.083, or s.
14 775.084, if:

15 1. At the time of the violation the person is knowingly
16 acting as a manager; or

17 2. He or she has one prior conviction for a violation of
18 this section.

19 (c) If a person has received notice from the commission or
20 any other law enforcement agency in this state that the
21 operations at the establishment, premises, or other location
22 violate subsection (2), and, within 48 hours of receiving such
23 notice, fails to cease and desist such operations at the
24 establishment, premises, or other location, or at any other
25 location where such person is conducting operations that violate
26 subsection (2), such person commits a felony of the second
27 degree, punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084, if:

29 1.a. At the time of the violation the person is knowingly
30 acting as a manager; and

31 b. The violation involves five or more slot machines or
32 devices; or

33 2. He or she has two or more prior convictions for a
34 violation of this section.

35 (d) For the purposes of this subsection, a person is deemed
36 to receive notice as described in paragraph (b) or paragraph (c)
37 at the time an agent of the commission or any other law
38 enforcement agency serves the notice to the person by:

39 1. Hand delivery;

40 2. Certified mail, return receipt requested;



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41 3. Posting a notice to a conspicuous place on the exterior
42 of the establishment, premises, or other location where the
43 person is conducting operations that violate subsection (2),
44 which notice must be posted by an agent of the commission or any
45 other law enforcement agency; or

46 4. Service of process pursuant to chapter 48.

47 (e) The issuance of a notice as described in paragraph (b)
48 or paragraph (c) does not constitute agency action for any
49 purpose of chapter 120, including hearing rights under s.
50 120.569 or s. 120.57.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete line 12

55 and insert:

56 slot machine or device; providing requirements for
57 notice of violations; providing construction; creating
58 s. 849.155, F.S.;