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LEGISLATIVE ACTION

Senate

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House

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Senator Martin moved the following:

1 **Senate Substitute for Amendment (523916) (with title**
2 **amendment)**

3
4 Delete lines 146 - 161

5 and insert:

6 (b) If a person has received notice from the commission or
7 any other law enforcement agency in this state that the
8 operations at the establishment, premises, or other location
9 violate subsection (2), and, within 7 days of receiving such
10 notice, fails to cease and desist such operations at the
11 establishment, premises, or other location, or at any other



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12 location where such person is conducting operations that violate
13 subsection (2), such person commits a felony of the third
14 degree, punishable as provided in s. 775.082, s. 775.083, or s.
15 775.084, if:

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

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

20 (c) If a person has received notice from the commission or
21 any other law enforcement agency in this state that the
22 operations at the establishment, premises, or other location
23 violate subsection (2), and, within 7 days of receiving such
24 notice, fails to cease and desist such operations at the
25 establishment, premises, or other location, or at any other
26 location where such person is conducting operations that violate
27 subsection (2), such person commits a felony of the second
28 degree, punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084, if:

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

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

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

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

40 1. Hand delivery;



- 41 2. Certified mail, return receipt requested;
- 42 3. Posting a notice to a conspicuous place on the exterior
- 43 of the establishment, premises, or other location where the
- 44 person is conducting operations that violate subsection (2),
- 45 which notice must be posted by an agent of the commission or any
- 46 other law enforcement agency; or
- 47 4. Service of process pursuant to chapter 48.
- 48 (e) The issuance of a notice as described in paragraph (b)
- 49 or paragraph (c) does not constitute agency action for any
- 50 purpose of chapter 120, including hearing rights under s.
- 51 120.569 or s. 120.57.
- 52 (4) A person who knowingly alters, destroys, conceals, or
- 53 removes a slot machine or device or any part thereof that is the
- 54 subject of a notice described in subsection (3) commits a felony
- 55 of the third degree, punishable as provided in s. 775.082, s.
- 56 775.083, or s. 775.084.

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete line 12

61 and insert:

62 slot machine or device; providing requirements for
63 notice of violations; providing construction;
64 prohibiting a person who knowingly destroys, conceals,
65 or removes slot machines or devices or any part
66 thereof under certain circumstances; providing
67 criminal penalties; creating s. 849.155, F.S.;