

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;  
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 pt. II of ch. 551, F.S., entitled  
36 "Slot Machines"; creating ss. 551.002-551.012, F.S.,  
37 as pt. 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  
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 pt. 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

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85 | commission, including the power to authorize gaming at  
86 | a limited number of destination resorts, conduct  
87 | investigations, issue subpoenas, take enforcement  
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  
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 is grounds for denial of the application;  
142 requiring the executive director to notify an  
143 applicant for a resort license if the application is  
144 incomplete; authorizing the applicant to have an  
145 informal conference with the executive director to  
146 discuss an incomplete application; authorizing the  
147 executive director to grant an extension to complete  
148 an application; providing for the stay of the award of  
149 a resort license during an extension or an appeal to  
150 the commission of a finding by the executive director  
151 that an application is incomplete; creating s.  
152 551.312, F.S.; exempting an institutional investor  
153 that is a qualifier for a resort licensee from certain  
154 application requirements under certain circumstances;  
155 requiring notice to the commission of any changes that  
156 may require a person to comply with the full  
157 application requirements; creating s. 551.313, F.S.;  
158 exempting lending institutions and underwriters from  
159 licensing requirements as a qualifier under certain  
160 circumstances; creating s. 551.314, F.S.; specifying  
161 conditions for a resort licensee to maintain  
162 licensure; authorizing the department to adopt rules  
163 relating to approval of the licensee's computer  
164 system; creating s. 551.315, F.S.; requiring that the  
165 licensee post a bond; authorizing the department to  
166 adopt rules relating to such bonds; creating s.  
167 551.316, F.S.; specifying conditions for the conduct  
168 of limited gaming by a resort licensee; providing

169 | hours and days of operation and the setting of minimum  
 170 | and maximum wagers; requiring the department to renew  
 171 | the license of a resort licensee if the licensee  
 172 | satisfies specified conditions; creating s. 551.318,  
 173 | F.S.; specifying an annual fee for the renewal of a  
 174 | resort license; imposing gross receipts tax; providing  
 175 | for the deposit of funds; providing for the proceeds  
 176 | of the gross receipts tax to fund the operations of  
 177 | the department; providing for annual distribution of  
 178 | certain unappropriated funds in the department's  
 179 | Destination Resort Trust Fund; creating s. 551.319,  
 180 | F.S.; providing procedures for the submission and  
 181 | processing of fingerprints; providing that the cost of  
 182 | processing the fingerprints shall be borne by a  
 183 | licensee or applicant; requiring a person to report to  
 184 | the department certain pleas and convictions for  
 185 | disqualifying offenses; creating s. 551.321, F.S.;  
 186 | requiring a person to have a supplier license to  
 187 | furnish certain goods and services to a resort  
 188 | licensee; providing for application; providing for  
 189 | license fees to be set by rule based on certain  
 190 | criteria; requiring fingerprinting; specifying persons  
 191 | who are ineligible for supplier licensure; specifying  
 192 | circumstances under which the department may deny or  
 193 | revoke a supplier license; authorizing the department  
 194 | to adopt rules relating to the licensing of suppliers;  
 195 | requiring a supplier licensee to furnish a list of  
 196 | gaming devices and equipment to the department,

197 maintain records, file quarterly returns, and affix  
198 its name to the gaming equipment and supplies that it  
199 offers; requiring that the supplier licensee annually  
200 report its inventory to the department; authorizing  
201 the department to suspend, revoke, or restrict a  
202 supplier license under certain circumstances;  
203 providing that the equipment of a supplier licensee  
204 which is used in unauthorized gaming will be forfeited  
205 to the county where the equipment is found; providing  
206 criminal penalties for a person who knowingly makes a  
207 false statement on an application for a supplier  
208 license; creating s. 551.322, F.S.; requiring a person  
209 to have an occupational license to serve as a limited  
210 gaming employee of a resort licensee; requiring a  
211 person to apply to the department for an occupational  
212 license and pay an application fee; specifying  
213 information that an applicant must include in an  
214 application for an occupational license, including  
215 fingerprints; providing eligibility requirements;  
216 specifying grounds for the department to deny,  
217 suspend, revoke, or restrict an occupational license;  
218 authorizing training to be conducted at certain  
219 facilities; providing criminal penalties for a person  
220 who knowingly makes a false statement on an  
221 application for an occupational license; creating s.  
222 551.323, F.S.; authorizing the executive director of  
223 the department to issue a temporary occupational or  
224 temporary supplier license under certain



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225 | circumstances; creating s. 551.325, F.S.; requiring  
226 | the commission to file quarterly reports with the  
227 | Governor, the President of the Senate, and the Speaker  
228 | of the House of Representatives; creating s. 551.327,  
229 | F.S.; providing procedures for the resolution of  
230 | certain disputes between a resort licensee and a  
231 | patron; requiring a resort licensee to notify the  
232 | department of certain disputes; requiring a resort  
233 | licensee to notify a patron of the right to file a  
234 | complaint with the department regarding certain  
235 | disputes; authorizing the department to investigate  
236 | disputes and to order a resort licensee to make a  
237 | payment to a patron; providing that gaming-related  
238 | disputes may be resolved only by the department and  
239 | are not under the jurisdiction of state courts;  
240 | creating s. 551.328, F.S.; providing for the  
241 | enforcement of credit instruments; authorizing a  
242 | resort licensee to accept an incomplete credit  
243 | instrument and to complete incomplete credit  
244 | instruments under certain circumstances; providing  
245 | that existence of a mental disorder is not a defense  
246 | or a valid counterclaim in an action to enforce a  
247 | credit instrument; authorizing the department to adopt  
248 | rules prescribing the conditions under which a credit  
249 | instrument may be presented to a bank; creating s.  
250 | 551.330, F.S.; requiring a resort licensee to train  
251 | its employees about compulsive gambling; requiring a  
252 | resort licensee to work with a compulsive gambling

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253 prevention program; requiring the commission to  
254 contract for services relating to the prevention of  
255 compulsive gambling; providing for the commission's  
256 compulsive gambling prevention program to be funded  
257 from a regulatory fee imposed on resort licensees;  
258 creating s. 551.331, F.S.; authorizing a person to  
259 request that the department exclude him or her from  
260 limited gaming facilities; providing for a form and  
261 contents of the form; providing that a self-excluded  
262 person who is found on a gaming floor may be arrested  
263 and prosecuted for criminal trespass; providing that a  
264 self-excluded person holds harmless the department and  
265 licensees from claims for losses and damages under  
266 certain circumstances; requiring the person to submit  
267 identification issued by the government; requiring the  
268 department to photograph the person requesting self-  
269 exclusion; amending s. 561.20, F.S.; exempting  
270 destination resorts from certain limitations on the  
271 number of licenses to sell alcoholic beverages which  
272 may be issued; providing restrictions on a resort  
273 issued such license; requiring an annual state license  
274 tax to be paid by a resort for such license; providing  
275 for deposit of proceeds from the tax; preempting to  
276 the state the regulation of alcoholic beverages at  
277 destination resorts; providing hours and days  
278 alcoholic beverages may be sold at a resort; directing  
279 the commission to adopt rules; providing recordkeeping  
280 requirements; amending s. 849.15, F.S.; authorizing

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281 slot machine gaming in a resort licensee and the  
282 transportation of slot machines pursuant to federal  
283 law; exempting slot machine licensees from  
284 prohibitions relating to coin-operated devices;  
285 amending s. 849.231, F.S.; providing that a  
286 prohibition on gambling devices does not apply to slot  
287 machine licensees and resort licensees as authorized  
288 under specified provisions; amending s. 849.25, F.S.;  
289 providing that a prohibition on gaming does not apply  
290 to slot machine licensees and resort licensees as  
291 authorized under specified provisions; creating s.  
292 849.48, F.S.; requiring that a person or entity  
293 seeking to operate a gambling business, to allow  
294 gambling on the person's or entity's premises, or to  
295 lease, manufacture, or distribute gambling devices  
296 apply for licensure from the Department of Gaming  
297 Control; transferring and reassigning certain  
298 functions and responsibilities, including records,  
299 personnel, property, and unexpended balances of  
300 appropriations and other resources, from the Division  
301 of Pari-mutuel Wagering of the Department of Business  
302 and Professional Regulation to the Department of  
303 Gaming Control; transferring certain trust funds from  
304 the Department of Business and Professional Regulation  
305 to the Department of Gaming Control; amending s.  
306 551.102, F.S.; revising the definition of the term  
307 "eligible facility" as used in provisions relating to  
308 slot machines; conforming provisions to changes made

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309 by the act; amending ss. 285.710, 550.002, 550.0251,  
 310 550.09514, 550.135, 550.24055, 550.2415, 550.2625,  
 311 550.2704, 550.902, 550.907, 551.101, 551.103, 551.104,  
 312 551.106, 551.107, 551.108, 551.109, 551.111, 551.112,  
 313 551.117, 551.119, 551.122, 551.123, 565.02, 817.37,  
 314 849.086, and 849.094, F.S.; correcting cross-  
 315 references and conforming provisions to changes made  
 316 by the act; providing for severability; providing  
 317 effective dates.

318

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

320

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

323 20.165 Department of Business and Professional  
 324 Regulation.—There is created a Department of Business and  
 325 Professional Regulation.

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

- 328 (a) Division of Administration.
- 329 (b) Division of Alcoholic Beverages and Tobacco.
- 330 (c) Division of Certified Public Accounting.

331 1. The director of the division shall be appointed by the  
 332 secretary of the department, subject to approval by a majority  
 333 of the Board of Accountancy.

334 2. The offices of the division shall be located in  
 335 Gainesville.

336 (d) Division of Florida Condominiums, Timeshares, and

337 Mobile Homes.

338 (e) Division of Hotels and Restaurants.

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

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

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

342 1. The director of the division shall be appointed by the  
 343 secretary of the department, subject to approval by a majority  
 344 of the Florida Real Estate Commission.

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

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

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

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

350 Section 2. Section 20.318, Florida Statutes, is created to  
 351 read:

352 20.318 Department of Gaming Control.—There is created a  
 353 Department of Gaming Control.

354 (1) GAMING COMMISSION.—The State Gaming Commission is the  
 355 head of the Department of Gaming Control. The commission shall  
 356 be responsible for appointing and removing the executive  
 357 director and general counsel of the department.

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

360 (a) The Division of Enforcement.

361 (b) The Division of Licensure.

362 (c) The Division of Revenue and Audits.

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

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

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

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

368 (d) "License" means any permit, registration, certificate,  
 369 or license issued by the department.

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

372 (4) POWERS AND DUTIES.—

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

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

377 (c) The department shall adopt rules pursuant to ss.  
 378 120.536(1) and 120.54 to administer the provisions of law  
 379 conferring duties upon it.

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

383 (e) The department shall adopt rules for the control,  
 384 supervision, and direction of all applicants, permittees, and  
 385 licensees and for the holding, conducting, and operating of any  
 386 gaming establishment under the jurisdiction of the department in  
 387 this state. The department shall have the authority to suspend a  
 388 permit or license under the jurisdiction of the department if  
 389 such permitholder or licensee has violated any provision of  
 390 chapter 550, chapter 551, or chapter 849 or rules adopted by the  
 391 department. Such rules must be uniform in their application and  
 392 effect, and the duty of exercising this control and power is

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393 made mandatory upon the department.

394 (f) The department may take testimony concerning any  
395 matter within its jurisdiction and issue summons and subpoenas  
396 for any witness and subpoenas duces tecum in connection with any  
397 matter within the jurisdiction of the department under its seal  
398 and signed by the executive director.

399 (g) In addition to the power to exclude certain persons  
400 from any pari-mutuel facility in this state, the department may  
401 exclude any person from any and all gaming establishments under  
402 the jurisdiction of the department in this state. The department  
403 may exclude from any gaming establishment under its jurisdiction  
404 within this state any person who has been ejected from a pari-  
405 mutuel facility or other gaming establishment in this state or  
406 who has been excluded from any pari-mutuel facility or other  
407 gaming establishment in another state by the governmental  
408 department, agency, commission, or authority exercising  
409 regulatory jurisdiction over such facilities in such other  
410 state. The department may authorize any person who has been  
411 ejected or excluded from establishments in this state or another  
412 state to enter such facilities in this state upon a finding that  
413 the attendance of such person would not be adverse to the public  
414 interest or to the integrity of the industry; however, this  
415 paragraph may not be construed to abrogate the common-law right  
416 of a pari-mutuel permitholder or a proprietor of a gaming  
417 establishment to exclude absolutely a patron in this state.

418 (h) The department may collect taxes and require  
419 compliance with reporting requirements for financial information  
420 as authorized by chapter 550, chapter 551, s. 849.086, or s.

421 849.094. In addition, the executive director of the department  
 422 may require gaming establishments within its jurisdiction within  
 423 the state to remit taxes, including fees, by electronic funds  
 424 transfer.

425 (i) The department may conduct investigations necessary  
 426 for enforcing chapters 550 and 551 and ss. 849.086 and 849.094.

427 (j) The department may impose an administrative fine for a  
 428 violation under chapter 550, chapter 551, s. 849.086, or s.  
 429 849.094 of not more than \$10,000 for each count or separate  
 430 offense, except as otherwise provided in chapter 550, chapter  
 431 551, s. 849.086, or s. 849.094, and may suspend or revoke a  
 432 permit, an operating license, or an occupational license for a  
 433 violation under chapter 550, chapter 551, s. 849.086, or s.  
 434 849.094. All fines imposed and collected under this paragraph  
 435 must be deposited with the Chief Financial Officer to the credit  
 436 of the General Revenue Fund.

437 (k) The department shall have sole authority and power to  
 438 make, adopt, amend, or repeal rules relating to gaming  
 439 operations, to enforce and to carry out the provisions of  
 440 chapters 550 and 551 and ss. 849.086 and 849.094, and to  
 441 regulate authorized gaming activities in the state.

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

445 (m) The department shall contract with the Department of  
 446 Revenue, through an interagency agreement, to perform the tax  
 447 collection and financial audit services for the taxes required  
 448 to be collected by entities licensed or regulated by chapter



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449 550, chapter 551, or chapter 849. The interagency agreement  
450 shall also allow the Department of Revenue to assist in any  
451 financial investigations of licensees or applications for  
452 licenses by the Department of Gaming Control or law enforcement  
453 agencies.

454 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The  
455 department shall work cooperatively with the Department of  
456 Revenue to implement an automated method for periodically  
457 disclosing information relating to current licensees to the  
458 Department of Revenue. The purpose of this subsection is to  
459 promote the public policy of this state as established in s.  
460 409.2551. The department shall, when directed by the court or  
461 the Department of Revenue pursuant to s. 409.2598, suspend or  
462 deny the license of any licensee found not to be in compliance  
463 with a support order, subpoena, order to show cause, or written  
464 agreement entered into by the licensee with the Department of  
465 Revenue. The department shall issue or reinstate the license  
466 without additional charge to the licensee when notified by the  
467 court or the Department of Revenue that the licensee has  
468 complied with the terms of the support order. The department is  
469 not liable for any license denial or suspension resulting from  
470 the discharge of its duties under this subsection.

471 (6) LICENSING.—The department may:

472 (a) Close and terminate deficient license application  
473 files 2 years after the department notifies the applicant of the  
474 deficiency.

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

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

480 120.80 Exceptions and special requirements; agencies.—

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

482 ~~(a) Business regulation. The Division of Pari-mutuel~~  
483 ~~Wagering is exempt from the hearing and notice requirements of~~  
484 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~  
485 ~~boards of judges when the hearing is to be held for the purpose~~  
486 ~~of the imposition of fines or suspensions as provided by rules~~  
487 ~~of the Division of Pari-mutuel Wagering, but not for~~  
488 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~  
489 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~  
490 ~~alternative procedures, including a hearing upon reasonable~~  
491 ~~notice, for the following violations:~~

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

494 2. ~~Application and usage of drugs and medication to~~  
495 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
496 ~~550.~~

497 3. ~~Maintaining or possessing any device which could be~~  
498 ~~used for the injection or other infusion of a prohibited drug to~~  
499 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
500 ~~550.~~

501 4. ~~Suspensions under reciprocity agreements between the~~  
502 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~  
503 ~~other states.~~

504 5. ~~Assault or other crimes of violence on premises~~

505 ~~licensed for pari-mutuel wagering.~~

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

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

508 120.57(1)(a), formal hearings may not be conducted by the  
 509 Secretary of Business and Professional Regulation or a board or  
 510 member of a board within the Department of Business and  
 511 Professional Regulation for matters relating to the regulation  
 512 of professions, as defined by chapter 455.

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

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

520 (b) The department shall adopt rules establishing  
 521 alternative procedures, including a hearing upon reasonable  
 522 notice, for the following:

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

525 2. Application and administration of drugs and medication  
 526 to horses, greyhounds, and jai alai players in violation of  
 527 chapter 550.

528 3. Maintaining or possessing any device that could be used  
 529 for the injection or other infusion of a prohibited drug into a  
 530 horse, greyhound, or jai alai players in violation of chapter  
 531 550.

532 4. Suspensions under reciprocity agreements between the

533 department and regulatory agencies of other states.

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

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

537 (20) STATE GAMING COMMISSION.—

538 (a) The State Gaming Commission is exempt from the hearing  
 539 and notice requirements of ss. 120.569 and 120.57(1)(a) in  
 540 proceedings for the issuance or denial of a destination resort  
 541 license.

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

544 (c) Notwithstanding s. 120.542, the State Gaming  
 545 Commission may not accept a petition for waiver or variance and  
 546 may not grant any waiver or variance from the requirements of  
 547 part III of chapter 551.

548 Section 4. Chapter 551, Florida Statutes, consisting of  
 549 sections 551.101 through 551.123, is designated as part II of  
 550 that chapter and entitled "Slot Machines"; part I of that  
 551 chapter, consisting of sections 551.002 through 551.012, as  
 552 created by this act, is entitled "State Gaming Commission"; and  
 553 part III of that chapter, consisting of sections 551.301 through  
 554 551.331, as created by this act, is entitled "Destination  
 555 Resorts."

556 Section 5. Section 551.002, Florida Statutes, is created  
 557 to read:

558 551.002 Definitions.—As used in this chapter, the term:

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

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561 (a) Controls, is controlled by, or is under common control  
562 of;

563 (b) Is in a partnership or joint venture relationship  
564 with; or

565 (c) Is a shareholder of a corporation, a member of a  
566 limited liability company, or a partner in a limited liability  
567 partnership with,

568  
569 an applicant for a resort license or a resort licensee.

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

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

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

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

582 (b) The acceptance of any form of compensation from a  
583 source other than the commission for any services rendered as  
584 part of the official duties of the member, employee, or agent of  
585 the commission.

586 (c) Participation in any business transaction with or  
587 before the commission in which the member, employee, or agent of  
588 the commission, or the parent, spouse, or child of a member,

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589 employee, or the agent, has a financial interest.

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

591 (6) "Division" means the Division of Licensure of the  
592 department.

593 (7) "Executive director" means the executive director of  
594 the department.

595 (8) "Financial interest" or "financially interested" means  
596 any interest in investments or awarding of contracts, grants,  
597 loans, purchases, leases, sales, or similar matters under  
598 consideration or consummated by the commission or the  
599 department, or ownership in an applicant or a licensee. A  
600 member, employee, or agent of the commission is deemed to have a  
601 financial interest in a matter if:

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

606 (b) The individual is employed by or is an independent  
607 contractor for a party to a matter under consideration by the  
608 commission or the department.

609 Section 6. Section 551.003, Florida Statutes, is created  
610 to read:

611 551.003 State Gaming Commission; creation and membership.—

612 (1) CREATION.—There is created the State Gaming  
613 Commission. The commission shall be composed of seven members  
614 who are residents of the state and who have experience in  
615 corporate finance, tourism, convention and resort management,  
616 gaming, investigation or law enforcement, business law, or

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617 related legal experience. The members of the commission shall  
618 serve as the agency head of the commission. The commission is  
619 exempt from the provisions of s. 20.052.

620 (2) MEMBERS.—Each member shall be appointed to a 4-year  
621 term. However, for the purpose of providing staggered terms, of  
622 the initial appointments, three members shall be appointed to 2-  
623 year terms and four members shall be appointed to 4-year terms.  
624 Terms expire on June 30. Upon the expiration of the term of a  
625 commissioner, a successor shall be appointed in the same manner  
626 as the original appointment to serve for a 4-year term. A  
627 commissioner whose term has expired shall continue to serve on  
628 the commission until such time as a replacement is appointed. If  
629 a vacancy on the commission occurs before the expiration of the  
630 term, it shall be filled for the unexpired portion of the term  
631 in the same manner as the original appointment.

632 (a)1.a. One member of the commission must be a certified  
633 public accountant licensed in this state who possesses at least  
634 5 years of experience in general accounting. The member must  
635 also possess a comprehensive knowledge of the principles and  
636 practices of corporate finance or auditing, general finance,  
637 gaming, or economics.

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

640 2. When making appointments to the commission, the  
641 Governor shall announce the classification by experience of the  
642 person appointed.

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

- 645        1. Is an elected state official;
- 646        2. Is licensed by the commission or is an officer of, has  
 647 a financial interest in, or has a direct or indirect contractual  
 648 relationship with any applicant for a resort license or resort  
 649 licensee;
- 650        3. Is related to any person within the second degree of  
 651 consanguinity of affinity who is an applicant for a license or  
 652 awarded a license by the commission or regulated by the  
 653 department; or
- 654        4. Has, within the 10 years preceding his or her  
 655 appointment, been under indictment for, convicted of, pled  
 656 guilty or nolo contendere to, or forfeited bail for a felony or  
 657 a misdemeanor involving gambling or fraud under the laws of this  
 658 or any other state or the United States.
- 659        (c) Members of the commission shall serve full time and  
 660 receive an annual salary of \$125,000. The chair shall receive an  
 661 annual salary of \$135,000.
- 662        (3) CHAIR AND VICE CHAIR.—
- 663        (a) The chair shall be appointed by the Governor. The vice  
 664 chair of the commission shall be elected by the members of the  
 665 commission during the first meeting of the commission on or  
 666 after July 1 of each year. The chair shall be the administrative  
 667 head of the commission. The chair shall set the agenda for each  
 668 meeting. The chair shall approve all notices, vouchers,  
 669 subpoenas, and reports as required by law. The chair shall  
 670 preserve order and decorum and shall have general control of the  
 671 commission meetings. The chair shall decide all questions of  
 672 order. The chair may name any member of the commission to



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673 perform the duties of the chair for a meeting if such  
674 substitution does not extend beyond that meeting.

675 (b) If for any reason the chair is absent and fails to  
676 name a member, the vice chair shall assume the duties of the  
677 chair during the chair's absence. On the death, incapacitation,  
678 or resignation of the chair, the vice chair shall perform the  
679 duties of the office until the Governor appoints a successor.

680 (c) The administrative responsibilities of the chair are  
681 to plan, organize, and control administrative support services  
682 for the commission. Administrative functions include, but are  
683 not limited to, finance and accounting, revenue accounting,  
684 personnel, and office services.

685 (4) QUORUM.—Four members of the commission constitute a  
686 quorum.

687 (5) HEADQUARTERS.—The headquarters of the commission shall  
688 be located in the district as defined in s. 551.302.

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

694 (7) AGENCY HEAD.—The commission shall serve as the agency  
695 head of the department for purposes of chapter 120. The  
696 executive director of the commission may serve as the agency  
697 head for purposes of final agency action under chapter 120 for  
698 all areas within the regulatory authority delegated to the  
699 executive director's office.

700 Section 7. Effective upon this act becoming a law, section

701 551.004, Florida Statutes, is created to read:

702 551.004 State Gaming Commission Nominating Committee.—

703 (1) (a) There is created a State Gaming Commission  
 704 Nominating Committee consisting of six members. Three members of  
 705 the committee shall be members of the House of Representatives,  
 706 one of whom shall be a member of the minority party, who shall  
 707 be appointed by and serve at the pleasure of the Speaker of the  
 708 House of Representatives. Three members of the committee shall  
 709 be members of the Senate, one of whom shall be a member of the  
 710 minority party, who shall be appointed by and serve at the  
 711 pleasure of the President of the Senate. Initial appointments  
 712 under this section shall be made within 10 days after the  
 713 effective date of this section.

714 (b) The members shall serve 2-year terms concurrent with  
 715 the 2-year elected terms of House of Representatives members,  
 716 except that the initial members shall serve until the end of  
 717 their elected terms. Members may be appointed to two 2-year  
 718 terms. Vacancies on the committee shall be filled for the  
 719 unexpired portion of the term in the same manner as original  
 720 appointments to the committee.

721 (c) The President of the Senate shall appoint the chair of  
 722 the committee in even-numbered years and the vice chair in odd-  
 723 numbered years, and the Speaker of the House of Representatives  
 724 shall appoint the chair of the committee in odd-numbered years  
 725 and the vice chair in even-numbered years, from among the  
 726 council membership.

727 (2) A member of the committee shall serve at the pleasure  
 728 of the presiding officer who appointed the member and may not

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729 create the appearance of impropriety.

730 (3) A majority of the membership of the committee may  
731 conduct any business before the committee. All meetings and  
732 proceedings of the committee shall be staffed by the Office of  
733 Legislative Services and shall be subject to ss. 119.07 and  
734 286.011. Members of the committee are entitled to receive per  
735 diem and travel expenses as provided in s. 112.061. Applicants  
736 invited for interviews before the committee may, at the  
737 discretion of the committee, receive per diem and travel  
738 expenses as provided in s. 112.061. The committee shall  
739 establish policies and procedures to govern the process by which  
740 applicants for appointment to the commission are nominated.

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

743 (b) For initial selection of an executive director for the  
744 Department of Gaming Control, the committee may advertise and  
745 receive applications for employment as the executive director.  
746 The committee shall provide the commission with all applications  
747 received.

748 (5) A person may not be nominated to the Governor for  
749 appointment to the commission until the committee has determined  
750 that the person is competent and knowledgeable in one or more  
751 fields as specified in s. 551.003 and the requirements for  
752 appointees under s. 551.003 are met.

753 (6) It is the responsibility of the committee to nominate  
754 to the Governor no fewer than three persons for each vacancy  
755 occurring on the commission. The committee shall submit  
756 recommendations for the initial appointments to the commission

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757 to the Governor within 60 days after the effective date of this  
758 section. Thereafter, the committee shall submit the  
759 recommendations to the Governor by March 15 of those years in  
760 which the terms are to begin the following July, or within 60  
761 days after a vacancy occurs for any reason other than the  
762 expiration of the term.

763 (7) The Governor shall, pursuant to this section and s.  
764 551.003, make initial appointments to the commission within 60  
765 days after receiving the recommended nominees under this section  
766 and fill any vacancy occurring on the commission by appointment  
767 of one of the applicants nominated by the committee. An  
768 appointment may be made only after a background investigation of  
769 such applicant has been conducted by the Department of Law  
770 Enforcement.

771 (8) Members of the commission shall be appointed by the  
772 Governor and, notwithstanding s. 114.05(1)(e) and (f), shall be  
773 subject to confirmation by the Senate under the following  
774 conditions. The Senate may consider the appointment during the  
775 regular session immediately following the effective date of the  
776 appointment or during any subsequent regular or special session  
777 during the term of the member. The Senate may confirm or refuse  
778 to confirm the appointment during any regular or special  
779 session.

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

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

789 Section 8. Section 551.006, Florida Statutes, is created  
790 to read:

791 551.006 Executive director.—The commission shall, pursuant  
792 to s. 20.05, appoint or remove the executive director of the  
793 department by a majority vote. An interim executive director  
794 shall be appointed within 10 days after the initial meeting of  
795 the commission.

796 (1) The executive director:

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

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

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

800 and

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

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

806 1. A resort licensee or supplier licensee;

807 2. An applicant for a resort license or an applicant for a  
808 similar license in another jurisdiction;

809 3. An entity licensed to operate a gaming facility in  
810 another state;

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

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813 5. A tribal gaming facility within this state.

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

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

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

821 2. The person or the person's spouse, parent, child,  
822 child's spouse, or sibling is a member of the commission, or a  
823 director of, or a person financially interested in, an applicant  
824 or a licensee.

825 Section 9. Section 551.007, Florida Statutes, is created  
826 to read:

827 551.007 Law enforcement.—

828 (1) The department may employ sworn law enforcement  
829 officers meeting the qualifications and certification  
830 requirements under paragraph (a), and hire and train personnel  
831 to be employed as sworn law enforcement officers, to enforce any  
832 criminal law, conduct any criminal investigation, or enforce any  
833 statute within the jurisdiction of the department.

834 (a) Each law enforcement officer must meet the  
835 qualifications for law enforcement officers under s. 943.13 and  
836 must be certified as a law enforcement officer by the Department  
837 of Law Enforcement. Upon certification, each law enforcement  
838 officer is subject to and has the authority provided to law  
839 enforcement officers generally under chapter 901 and has  
840 statewide jurisdiction.

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841 (b) Each law enforcement officer has arrest authority as  
842 provided for state law enforcement officers under s. 901.15, and  
843 full law enforcement powers granted to other officers of this  
844 state, including the authority to make arrests, carry firearms,  
845 serve court process, and seize contraband and proceeds from  
846 illegal activities.

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

850 (2) The department may also, by interagency agreement,  
851 employ the Department of Law Enforcement to enforce any criminal  
852 law, conduct any criminal investigation, or enforce any statute  
853 within the jurisdiction of the commission or the department.

854 Section 10. Section 551.008, Florida Statutes, is created  
855 to read:

856 551.008 Code of ethics.—

857 (1) The commission shall adopt a code of ethics by rule  
858 for its members, employees, and agents.

859 (2) A member of the commission or the executive director  
860 may not hold a direct or indirect interest in, be employed by,  
861 or enter into a contract for services with an applicant or  
862 person licensed by the commission for a period of 3 years after  
863 the date of termination of the person's membership on or  
864 employment with the commission.

865 (3) An employee of the commission may not acquire a direct  
866 or indirect interest in, be employed by, or enter into a  
867 contract for services with an applicant or person licensed by  
868 the commission for a period of 3 years after the date of

869 termination of the person's employment with the commission.

870 (4) A commission member or a person employed by the  
 871 commission may not represent a person or party other than the  
 872 state before or against the commission for a period of 3 years  
 873 after the date of termination of the member's term of office or  
 874 the employee's period of employment with the commission.

875 (5) A business entity in which a former commission member,  
 876 employee, or agent has an interest, or any partner, officer, or  
 877 employee of that business entity, may not appear before or  
 878 represent another person before the commission if the former  
 879 commission member, employee, or agent would be prohibited from  
 880 doing so. As used in this subsection, the term "business entity"  
 881 means a corporation, limited liability company, partnership,  
 882 limited liability partnership association, trust, or other form  
 883 of legal entity.

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

887 (a) Use the person's official authority or influence for  
 888 the purpose of interfering with or affecting the result of an  
 889 election;

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

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

894 1. Applying for any compensation, grant, contract, ruling,  
 895 license, permit, or certificate pending before the commission;  
 896 or



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897        2. The subject of or a participant in an ongoing audit,  
898 investigation, or enforcement action being carried out by the  
899 commission.

900        (7) A former member, employee, or agent of the commission  
901 may appear before the commission as a witness testifying as to  
902 factual matters or actions handled by the former member,  
903 employee, or agent during his or her tenure with the commission.  
904 However, the former member, employee, or agent of the commission  
905 may not receive compensation for the appearance other than a  
906 standard witness fee and reimbursement for travel expenses as  
907 established by statute or rules governing administrative  
908 proceedings before the Division of Administrative Hearings.

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

911        (b) An employee or agent of the commission granted  
912 permission for outside employment may not conduct any business  
913 or perform any activities, including solicitation, related to  
914 outside employment on premises used by the commission or during  
915 the employee's working hours for the commission.

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

918        1. Operating a proprietorship;

919        2. Participating in a partnership or group business  
920 enterprise; or

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

923        (9) A member, employee, or agent of the commission may not  
924 participate in or wager on any game conducted by any resort

925 licensee or applicant or any affiliate of a licensee or  
 926 applicant regulated by the commission in this state or in any  
 927 other jurisdiction, except as required as part of the person's  
 928 surveillance, security, or other official duties.

929 Section 11. Section 551.009, Florida Statutes, is created  
 930 to read:

931 551.009 Disclosures by commissioners, employees, and  
 932 agents.—

933 (1) COMMISSIONERS.—

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

936 (b) Each member must disclose information required by  
 937 rules of the commission to ensure the integrity of the  
 938 commission and its work.

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

941 1. Affirming that neither the member, nor the member's  
 942 spouse, parent, child, or child's spouse, is a member of the  
 943 board of directors of, financially interested in, or employed by  
 944 an applicant or resort licensee.

945 2. Affirming that the member is in compliance with part  
 946 III and the rules of the commission.

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

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

952 (2) EMPLOYEES AND AGENTS.—

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953 (a) The executive director and each managerial employee  
954 and agent, as determined by the commission, must file a  
955 financial disclosure statement pursuant to s. 112.3145. All  
956 employees and agents must comply with the provisions of chapter  
957 112.

958 (b) The executive director and each managerial employee  
959 and agent identified by rule of the commission must disclose  
960 information required by rules of the commission to ensure the  
961 integrity of the commission and its work.

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

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

967 2. Affirming that the person does not have any financial  
968 interest prohibited by laws or rules administered by the  
969 commission.

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

973 (d) Each employee or agent of the commission must disclose  
974 involvement with any gaming interest during the 3 years before  
975 employment.

976 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

977 (a) A member, employee, or agent of the commission who  
978 becomes aware that the member, employee, or agent of the  
979 commission or his or her spouse, parent, or child is a member of  
980 the board of directors of, financially interested in, or

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981 employed by an applicant or licensee must immediately provide  
982 detailed written notice to the chair.

983 (b) A member, employee, or agent of the commission must  
984 immediately provide detailed written notice of the circumstances  
985 to the chair if the member, employee, or agent is indicted,  
986 charged with, convicted of, pleads guilty or nolo contendere to,  
987 or forfeits bail for:

988 1. A misdemeanor involving gambling, dishonesty, theft, or  
989 fraud;

990 2. A violation of any law in any state, or a law of the  
991 United States or any other jurisdiction, involving gambling,  
992 dishonesty, theft, or fraud which substantially corresponds to a  
993 misdemeanor in this state; or

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

996 (c) A member, employee, or agent of the commission who is  
997 negotiating for an interest in a licensee or an applicant, or is  
998 affiliated with such a person, must immediately provide written  
999 notice of the details of the interest to the chair. The member,  
1000 employee, or agent of the commission may not act on behalf of  
1001 the commission with respect to that person.

1002 (d) A member, employee, or agent of the commission may not  
1003 enter into negotiations for employment with any person or  
1004 affiliate of any person who is an applicant, licensee, or  
1005 affiliate. If a member, employee, or agent of the commission  
1006 enters into negotiations for employment in violation of this  
1007 paragraph or receives an invitation, written or oral, to  
1008 initiate a discussion concerning employment with any person who

1009 is a licensee, applicant, or affiliate, he or she must  
 1010 immediately provide written notice of the details of any such  
 1011 negotiations or discussions to the chair. The member, employee,  
 1012 or agent of the commission may not take any action on behalf of  
 1013 the commission with respect to that licensee or applicant.

1014 (e) A licensee or applicant may not knowingly initiate a  
 1015 negotiation for, or discussion of, employment with a member,  
 1016 employee, or agent of the commission. A licensee or applicant  
 1017 who initiates a negotiation or discussion about employment shall  
 1018 immediately provide written notice of the details of the  
 1019 negotiation or discussion to the chair as soon as that person  
 1020 becomes aware that the negotiation or discussion has been  
 1021 initiated with a member, employee, or agent of the commission.

1022 (f) A member, employee, or agent of the commission, or a  
 1023 parent, spouse, sibling, or child of a member, employee, or  
 1024 agent of the commission, may not accept any gift, gratuity,  
 1025 compensation, travel, lodging, or anything of value, directly or  
 1026 indirectly, from a licensee, applicant, or affiliate or  
 1027 representative of a person regulated by the commission. A  
 1028 member, employee, or agent of the commission who is offered or  
 1029 receives any gift, gratuity, compensation, travel, lodging, or  
 1030 anything of value, directly or indirectly, from any licensee,  
 1031 applicant, or affiliate or representative of a person regulated  
 1032 by the commission must immediately provide written notice of the  
 1033 details to the chair.

1034 (g) A licensee, applicant, or affiliate or representative  
 1035 of an applicant or licensee may not, directly or indirectly,  
 1036 knowingly give or offer to give any gift, gratuity,

1037 compensation, travel, lodging, or anything of value to any  
 1038 member or employee, or to a parent, spouse, sibling, or child of  
 1039 a member, employee, or agent, which the member or employee is  
 1040 prohibited from accepting under paragraph (f).

1041 (h) A member, employee, or agent of the commission may not  
 1042 engage in any conduct that constitutes a conflict of interest  
 1043 and must immediately advise the chair in writing of the details  
 1044 of any incident or circumstance that would suggest the existence  
 1045 of a conflict of interest with respect to the performance of  
 1046 commission-related work or duty of the member, employee, or  
 1047 agent of the commission.

1048 (i) A member, employee, or agent of the commission who is  
 1049 approached and offered a bribe must immediately provide a  
 1050 written account of the details of the incident to the chair and  
 1051 to a law enforcement agency having jurisdiction over the matter.

1052 Section 12. Section 551.011, Florida Statutes, is created  
 1053 to read:

1054 551.011 Ex parte communications.—

1055 (1) A licensee, applicant, or affiliate or representative  
 1056 of an applicant or licensee may not engage directly or  
 1057 indirectly in ex parte communications concerning a pending  
 1058 application, license, or enforcement action with a member of the  
 1059 commission or concerning a matter that likely will be pending  
 1060 before the commission. A member of the commission may not engage  
 1061 directly or indirectly in any ex parte communications concerning  
 1062 a pending application, license, or enforcement action with  
 1063 members of the commission, or with a licensee, applicant, or  
 1064 affiliate or representative of an applicant or licensee, or

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1065 concerning a matter that likely will be pending before the  
1066 commission.

1067 (2) Any commission member, licensee, applicant, or  
1068 affiliate or representative of a commission member, licensee, or  
1069 applicant who receives any ex parte communication in violation  
1070 of subsection (1), or who is aware of an attempted communication  
1071 in violation of subsection (1), must immediately report details  
1072 of the communication or attempted communication in writing to  
1073 the chair.

1074 (3) If a commissioner knowingly receives an ex parte  
1075 communication relative to a proceeding to which he or she is  
1076 assigned, he or she must place on the record copies of all  
1077 written communications received, copies of all written responses  
1078 to the communications, and a memorandum stating the substance of  
1079 all oral communications received and all oral responses made,  
1080 and shall give written notice to all parties to the  
1081 communication that such matters have been placed on the record.  
1082 Any party who desires to respond to an ex parte communication  
1083 may do so. The response must be received by the commission  
1084 within 10 days after receiving notice that the ex parte  
1085 communication has been placed on the record. The commissioner  
1086 may, if he or she deems it necessary to eliminate the effect of  
1087 an ex parte communication received by him or her, withdraw from  
1088 the proceeding potentially impacted by the ex parte  
1089 communication. After a commissioner withdraws from the  
1090 proceeding, the chair shall substitute another commissioner for  
1091 the proceeding if the proceeding was not assigned to the full  
1092 commission.

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1093        (4) Any individual who makes an ex parte communication  
1094 must submit to the commission a written statement describing the  
1095 nature of the communication, including the name of the person  
1096 making the communication, the name of the commissioner or  
1097 commissioners receiving the communication, copies of all written  
1098 communications made, all written responses to such  
1099 communications, and a memorandum stating the substance of all  
1100 oral communications received and all oral responses made. The  
1101 commission shall place on the record of a proceeding all such  
1102 communications.

1103        (5) A member of the commission who knowingly fails to  
1104 place on the record any ex parte communications, in violation of  
1105 this section, within 15 days after the date of the communication  
1106 is subject to removal and may be assessed a civil penalty not to  
1107 exceed \$25,000.

1108        (6) The Commission on Ethics shall receive and investigate  
1109 sworn complaints of violations of this section pursuant to ss.  
1110 112.322-112.3241.

1111        (7) If the Commission on Ethics finds that a member of the  
1112 commission has violated this section, it shall provide the  
1113 Governor with a report of its findings and recommendations. The  
1114 Governor may enforce the findings and recommendations of the  
1115 Commission on Ethics pursuant to part III of chapter 112.

1116        (8) If a commissioner fails or refuses to pay the  
1117 Commission on Ethics any civil penalties assessed pursuant to  
1118 this section, the Commission on Ethics may bring an action in  
1119 any circuit court to enforce such penalty.

1120        (9) If, during the course of an investigation by the



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1121 Commission on Ethics into an alleged violation of this section,  
1122 allegations are made as to the identity of the person who  
1123 participated in the ex parte communication, that person must be  
1124 given notice and an opportunity to participate in the  
1125 investigation and relevant proceedings to present a defense. If  
1126 the Commission on Ethics determines that the person participated  
1127 in the ex parte communication, the person may not appear before  
1128 the commission or otherwise represent anyone before the  
1129 commission for 2 years.

1130 Section 13. Section 551.012, Florida Statutes, is created  
1131 to read:

1132 551.012 Penalties for misconduct by a commissioner,  
1133 employee, or agent.—

1134 (1) A violation of this chapter by a member of the  
1135 commission may result in disqualification or constitute cause  
1136 for removal by the Governor or other disciplinary action as  
1137 determined by the commission.

1138 (2) A violation of this chapter by an employee or agent of  
1139 the commission does not require termination of employment or  
1140 other disciplinary action if:

1141 (a) The commission determines that the conduct involved  
1142 does not violate the purposes this chapter; or

1143 (b) There was no intentional action on the part of the  
1144 employee or agent, contingent on divestment of any financial  
1145 interest within 30 days after the interest was acquired.

1146 (3) Notwithstanding subsection (2), an employee or agent  
1147 of the commission who violates this chapter shall be terminated  
1148 if a financial interest in a licensee, applicant, or affiliate

1149 or representative of a licensee or applicant is acquired by:

1150 (a) An employee of the commission; or

1151 (b) The employee's or agent's spouse, parent, or child.

1152 (4) A violation of this chapter does not create a civil  
 1153 cause of action.

1154 Section 14. Section 551.301, Florida Statutes, is created  
 1155 to read:

1156 551.301 This part may be cited as the "Destination Resort  
 1157 Act" or the "Resort Act."

1158 Section 15. Section 551.302, Florida Statutes, is created  
 1159 to read:

1160 551.302 Definitions.—As used in this part, the term:

1161 (1) "Ancillary areas" includes the following areas within  
 1162 a limited gaming facility, unless the context otherwise  
 1163 requires:

1164 (a) Major aisles, the maximum area of which may not exceed  
 1165 the limit within any part of the limited gaming facility as  
 1166 specified by the commission.

1167 (b) Back-of-house facilities.

1168 (c) Any reception or information counter.

1169 (d) Any area designated for the serving or consumption of  
 1170 food and beverages.

1171 (e) Any retail outlet.

1172 (f) Any area designated for performances.

1173 (g) Any area designated for aesthetic or decorative  
 1174 displays.

1175 (h) Staircases, staircase landings, escalators, lifts, and  
 1176 lift lobbies.

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1177           (i) Bathrooms.  
 1178           (j) Any other area that is not intended to be used for the  
 1179 conduct or playing of games or as a gaming pit as defined by  
 1180 rules of the commission or specified in the application for the  
 1181 destination resort license.

1182           (2) "Applicant," as the context requires, means a person  
 1183 who applies for a resort license, supplier license, or  
 1184 occupational license. A county, municipality, or other unit of  
 1185 government is prohibited from applying for a resort license.

1186           (3) "Credit" means the method by which a licensee issues  
 1187 chips or tokens to a wagerer of the licensee to play games or  
 1188 slot machines, in return for which the wagerer executes a credit  
 1189 instrument to evidence the debt owed. The issuance of credit to  
 1190 a wagerer may not be deemed a loan from the licensee to the  
 1191 wagerer.

1192           (4) "Destination resort" or "resort" means a freestanding,  
 1193 land-based structure in which limited gaming may be conducted. A  
 1194 destination resort is a mixed-use development consisting of a  
 1195 combination of various tourism amenities and facilities,  
 1196 including, but not limited to, hotels, villas, restaurants,  
 1197 limited gaming facilities, convention facilities, attractions,  
 1198 entertainment facilities, service centers, and shopping centers.

1199           (5) "Destination resort license" or "resort license" means  
 1200 a license to operate and maintain a destination resort having a  
 1201 limited gaming facility.

1202           (6) "District" means a county in which a majority of the  
 1203 electors voting in a countywide referendum have approved the  
 1204 conduct of slot machine gaming as defined in s. 551.102 or a

1205 majority of the electors voting in a countywide referendum have  
 1206 passed a referendum allowing for limited gaming.

1207 (7) "Gaming pit" means an area commonly known as a gaming  
 1208 pit or any similar area from which limited gaming employees  
 1209 administer and supervise the games.

1210 (8) "Gross receipts" means the total of cash or cash  
 1211 equivalents received or retained as winnings by a resort  
 1212 licensee and the compensation received for conducting any game  
 1213 in which the resort licensee is not party to a wager, less cash  
 1214 taken in fraudulent acts perpetrated against the resort licensee  
 1215 for which the resort licensee is not reimbursed. The term does  
 1216 not include:

1217 (a) Counterfeit money or tokens;

1218 (b) Coins of other countries which are received in gaming  
 1219 devices and which cannot be converted into United States  
 1220 currency;

1221 (c) Promotional credits or free play as provided by the  
 1222 resort licensee as a means of marketing the limited gaming  
 1223 facility; or

1224 (d) The amount of any credit extended until collected.

1225 (9) "Individual" means a natural person.

1226 (10) "Institutional investor" means, but is not limited  
 1227 to:

1228 (a) A retirement fund administered by a public agency for  
 1229 the exclusive benefit of federal, state, or county public  
 1230 employees.

1231 (b) An employee benefit plan or pension fund that is  
 1232 subject to the Employee Retirement Income Security Act of 1974.

1233 (c) An investment company registered under the Investment  
 1234 Company Act of 1940.

1235 (d) A collective investment trust organized by a bank  
 1236 under 12 C.F.R. part 9, s. 9.18.

1237 (e) A closed-end investment trust.

1238 (f) A life insurance company or property and casualty  
 1239 insurance company.

1240 (g) A financial institution.

1241 (h) An investment advisor registered under the Investment  
 1242 Advisers Act of 1940.

1243 (i) Such other persons as the commission may determine for  
 1244 reasons consistent with the policies of this part.

1245 (11) "Junket enterprise" means any person who, for  
 1246 compensation, employs or otherwise engages in the procurement or  
 1247 referral of persons for a junket to a destination resort  
 1248 licensed under this part regardless of whether those activities  
 1249 occur within this state. The term does not include a resort  
 1250 licensee or applicant for a resort license or a person holding  
 1251 an occupational license.

1252 (12) "License," as the context requires, means a resort  
 1253 license, supplier license, or occupational license.

1254 (13) "Licensee," as the context requires, means a person  
 1255 who is licensed as a resort licensee, supplier licensee, or  
 1256 occupational licensee.

1257 (14) "Limited gaming," "game," or "gaming," as the context  
 1258 requires, means the games authorized under this part in a  
 1259 limited gaming facility, including, but not limited to, those  
 1260 commonly known as baccarat, twenty-one, poker, craps, slot

1261 machines, video gaming of chance, roulette wheels, Klondike  
 1262 tables, punch-board, faro layout, numbers ticket, push car, jar  
 1263 ticket, pull tab, or their common variants, or any other game of  
 1264 chance or wagering device that is authorized by the commission.

1265 (15) "Limited gaming employee" or "gaming employee" means  
 1266 any employee of a resort licensee, including, but not limited  
 1267 to:

1268 (a) Cashiers.

1269 (b) Change personnel.

1270 (c) Count room personnel.

1271 (d) Slot machine attendants.

1272 (e) Hosts or other individuals authorized to extend  
 1273 complimentary services, including employees performing functions  
 1274 similar to those performed by a representative for a junket  
 1275 enterprise.

1276 (f) Machine mechanics and computer technicians performing  
 1277 duties on machines with gaming-related functions or table game  
 1278 device technicians.

1279 (g) Security personnel.

1280 (h) Surveillance personnel.

1281 (i) Promotional play supervisors, credit supervisors, pit  
 1282 supervisors, cashier supervisors, gaming shift supervisors,  
 1283 table game managers, assistant managers, and other supervisors  
 1284 and managers.

1285 (j) Boxmen.

1286 (k) Dealers or croupiers.

1287 (l) Floormen.

1288 (m) Personnel authorized to issue promotional credits.

1289 (n) Personnel authorized to issue credit.

1290  
 1291 The term does not include bartenders, cocktail servers, or other  
 1292 persons engaged in preparing or serving food or beverages,  
 1293 clerical or secretarial personnel, parking attendants,  
 1294 janitorial staff, stage hands, sound and light technicians, and  
 1295 other nongaming personnel as determined by the commission. The  
 1296 term includes a person employed by a person or entity other than  
 1297 a resort licensee who performs the functions of a limited gaming  
 1298 employee.

1299 (16) "Limited gaming facility" means the limited gaming  
 1300 floor and any ancillary areas.

1301 (17) "Limited gaming floor" means the approved gaming area  
 1302 of a resort. Ancillary areas in or directly adjacent to the  
 1303 gaming area are not part of the limited gaming floor for  
 1304 purposes of calculating the size of the limited gaming floor.

1305 (18) "Managerial employee" has the same meaning as in s.  
 1306 447.203(4).

1307 (19) "Occupational licensee" means a person who is  
 1308 licensed to be a limited gaming employee.

1309 (20) "Qualifier" means an affiliate, affiliated company,  
 1310 officer, director, or managerial employee of an applicant for a  
 1311 resort license, or a person who holds a direct or indirect  
 1312 equity interest in the applicant. The term may include an  
 1313 institutional investor. As used in this subsection, the terms  
 1314 "affiliate," "affiliated company," and "a person who holds a  
 1315 direct or indirect equity interest in the applicant" do not  
 1316 include a partnership, a joint venture relationship, a

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1317 shareholder of a corporation, a member of a limited liability  
 1318 company, or a partner in a limited liability partnership that  
 1319 has a direct or indirect equity interest in the applicant for a  
 1320 resort license of 5 percent or less and is not involved in the  
 1321 gaming operations as defined by the rules of the commission.

1322 (21) "Supplier licensee" or "supplier" means a person who  
 1323 is licensed to furnish gaming equipment, devices, or supplies or  
 1324 other goods or services to a resort licensee.

1325 (22) "Wagerer" means a person who plays a game authorized  
 1326 under this part.

1327 Section 16. Section 551.304, Florida Statutes, is created  
 1328 to read:

1329 551.304 State Gaming Commission; powers and duties.-

1330 (1) The commission shall:

1331 (a) Authorize limited gaming at three destination resorts.

1332 (b) Conduct such investigations as necessary to fulfill  
 1333 its responsibilities.

1334 (c) Use an invitation to negotiate process for applicants  
 1335 based on minimum requirements established by this part and rules  
 1336 of the commission.

1337 (d) Investigate applicants for a resort license and  
 1338 determine the eligibility of applicants for a resort license and  
 1339 select from competing applicants the applicant that best serves  
 1340 the interests of the residents of Florida, based on the  
 1341 potential for economic development presented by the applicant's  
 1342 proposed investment in infrastructure, such as hotels and other  
 1343 nongaming entertainment facilities, and the applicant's ability  
 1344 to maximize revenue for the state.



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1345 (e) Grant a license to the applicant best suited to  
1346 operate a destination resort that has limited gaming.

1347 (f) Establish and collect fees for performing background  
1348 checks on all applicants for licenses and all persons with whom  
1349 the commission may contract for the providing of goods or  
1350 services and for performing, or having performed, tests on  
1351 equipment and devices to be used in a limited gaming facility.

1352 (g) Issue subpoenas for the attendance of witnesses and  
1353 subpoenas duces tecum for the production of books, records, and  
1354 other pertinent documents as provided by law, and to administer  
1355 oaths and affirmations to the witnesses, if, in the judgment of  
1356 the commission, it is necessary to enforce this part or  
1357 commission rules. If a person fails to comply with a subpoena,  
1358 the commission may petition the circuit court of the county in  
1359 which the person subpoenaed resides or has his or her principal  
1360 place of business for an order requiring the subpoenaed person  
1361 to appear and testify and to produce books, records, and  
1362 documents as specified in the subpoena. The court may grant  
1363 legal, equitable, or injunctive relief, which may include, but  
1364 is not limited to, issuance of a writ of ne exeat or restraint  
1365 by injunction or appointment of a receiver of any transfer,  
1366 pledge, assignment, or other disposition of such person's assets  
1367 or any concealment, alteration, destruction, or other  
1368 disposition of subpoenaed books, records, or documents, as the  
1369 court deems appropriate, until the person subpoenaed has fully  
1370 complied with the subpoena and the commission has completed the  
1371 audit, examination, or investigation. The commission is entitled  
1372 to the summary procedure provided in s. 51.011, and the court

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1373 shall advance the cause on its calendar. Costs incurred by the  
1374 commission to obtain an order granting, in whole or in part,  
1375 such petition for enforcement of a subpoena shall be charged  
1376 against the subpoenaed person, and failure to comply with such  
1377 order is a contempt of court.

1378 (h) The commission shall require each applicant for a  
1379 destination resort license to produce the information,  
1380 documentation, and assurances as may be necessary to establish  
1381 by clear and convincing evidence the integrity of all financial  
1382 backers, investors, mortgagees, bondholders, and holders of  
1383 indentures, notes or other evidences of indebtedness, either in  
1384 effect or proposed. Any such banking or lending institution and  
1385 institutional investors may be waived from qualification  
1386 requirements. However, banking or lending institutions or  
1387 institutional investors shall produce for the board upon request  
1388 any document or information that bears any relation to the  
1389 proposal submitted by the applicant or applicants. The integrity  
1390 of the financial sources shall be judged upon the same standards  
1391 as the applicant or applicants. Any such person or entity shall  
1392 produce for the commission upon request any document or  
1393 information that bears any relation to the application. In  
1394 addition, the applicant shall produce whatever information,  
1395 documentation, or assurances the commission requires to  
1396 establish by clear and convincing evidence the adequacy of  
1397 financial resources.

1398 (i) Require or permit a person to file a statement in  
1399 writing, under oath or otherwise as the commission or its  
1400 designee requires, as to all the facts and circumstances

1401 concerning the matter to be audited, examined, or investigated.

1402 (j) Keep accurate and complete records of its proceedings  
 1403 and to certify the records as may be appropriate.

1404 (k) Take any other action as may be reasonable or  
 1405 appropriate to enforce this part and rules adopted by the  
 1406 commission.

1407 (l) Apply for injunctive or declaratory relief in a court  
 1408 of competent jurisdiction to enforce this part and any rules  
 1409 adopted by the commission.

1410 (m) Establish field offices, as deemed necessary by the  
 1411 commission.

1412 (2) The Department of Law Enforcement and local law  
 1413 enforcement agencies may investigate any criminal violation of  
 1414 law occurring at a destination resort. Such investigations may  
 1415 be conducted in conjunction with the appropriate state attorney.

1416 (3) (a) The commission, the Department of Law Enforcement,  
 1417 and local law enforcement agencies shall have unrestricted  
 1418 access to the limited gaming facility at all times and shall  
 1419 require of each resort licensee strict compliance with the laws  
 1420 of this state relating to the transaction of such business. The  
 1421 commission and the Department of Law Enforcement may:

1422 1. Inspect and examine premises where authorized limited  
 1423 gaming devices are offered for play.

1424 2. Inspect slot machines, other authorized gaming devices,  
 1425 and related equipment and supplies.

1426 (b) In addition, the commission may:

1427 1. Collect taxes, assessments, fees, and penalties.

1428 2. Deny, revoke, or suspend a license of, or place

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1429 conditions on, a licensee who violates any provision of this  
 1430 part, a rule adopted by the commission, or an order of the  
 1431 commission.

1432 (4) The commission must revoke or suspend the license of  
 1433 any person who is no longer qualified or who is found, after  
 1434 receiving a license, to have been unqualified at the time of  
 1435 application for the license.

1436 (5) This section does not:

1437 (a) Prohibit the Department of Law Enforcement or any law  
 1438 enforcement authority whose jurisdiction includes a resort  
 1439 licensee or a supplier licensee from conducting investigations  
 1440 of criminal activities occurring at the facilities of a resort  
 1441 licensee or supplier licensee;

1442 (b) Restrict access to the limited gaming facility by the  
 1443 Department of Law Enforcement or any local law enforcement  
 1444 authority whose jurisdiction includes a resort licensee's  
 1445 facility; or

1446 (c) Restrict access by the Department of Law Enforcement  
 1447 or a local law enforcement agency to information and records  
 1448 necessary for the investigation of criminal activity which are  
 1449 contained within the facilities of a resort licensee or supplier  
 1450 licensee.

1451 Section 17. Section 551.305, Florida Statutes, is created  
 1452 to read:

1453 551.305 Rulemaking.—

1454 (1) The commission shall adopt all rules necessary to  
 1455 implement, administer, and regulate limited gaming under this  
 1456 part. The rules must include:

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1457        (a) The types of limited gaming activities to be conducted  
1458 and the rules for those games, including any restriction upon  
1459 the time, place, and structures where limited gaming is  
1460 authorized.

1461        (b) Requirements, procedures, qualifications, and grounds  
1462 for the issuance, renewal, revocation, suspension, and summary  
1463 suspension of a resort license, supplier license, or  
1464 occupational license.

1465        (c) Requirements for the disclosure of the complete  
1466 financial interests of licensees and applicants for licenses.

1467        (d) Technical requirements and the qualifications that are  
1468 necessary to receive a license.

1469        (e) Procedures to scientifically test and technically  
1470 evaluate slot machines and other authorized gaming devices for  
1471 compliance with this part and the rules adopted by the  
1472 commission. The commission may contract with an independent  
1473 testing laboratory to conduct any necessary testing. The  
1474 independent testing laboratory must have a national reputation  
1475 for being demonstrably competent and qualified to scientifically  
1476 test and evaluate slot machines and other authorized gaming  
1477 devices. An independent testing laboratory may not be owned or  
1478 controlled by a licensee. The use of an independent testing  
1479 laboratory for any purpose related to the conduct of slot  
1480 machine gaming and other authorized gaming by a resort licensee  
1481 shall be made from a list of laboratories approved by the  
1482 commission.

1483        (f) Procedures relating to limited gaming revenues,  
1484 including verifying and accounting for such revenues, auditing,

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1485 and collecting taxes and fees.

1486 (g) Requirements for limited gaming equipment, including  
1487 the types and specifications of all equipment and devices that  
1488 may be used in limited gaming facilities.

1489 (h) Procedures for regulating, managing, and auditing the  
1490 operation, financial data, and program information relating to  
1491 limited gaming which allow the commission and the Department of  
1492 Law Enforcement to audit the operation, financial data, and  
1493 program information of a resort licensee, as required by the  
1494 commission or the Department of Law Enforcement, and provide the  
1495 commission and the Department of Law Enforcement with the  
1496 ability to monitor, at any time on a real-time basis, wagering  
1497 patterns, payouts, tax collection, and compliance with any rules  
1498 adopted by the commission for the regulation and control of  
1499 limited gaming. Such continuous and complete access, at any time  
1500 on a real-time basis, shall include the ability of either the  
1501 commission or the Department of Law Enforcement to suspend play  
1502 immediately on particular slot machines or other gaming devices  
1503 if monitoring of the facilities-based computer system indicates  
1504 possible tampering or manipulation of those slot machines or  
1505 gaming devices or the ability to suspend play immediately of the  
1506 entire operation if the tampering or manipulation is of the  
1507 computer system itself. The commission shall notify the  
1508 Department of Law Enforcement and the Department of Law  
1509 Enforcement shall notify the commission, as appropriate,  
1510 whenever there is a suspension of play pursuant this paragraph.  
1511 The commission and the Department of Law Enforcement shall  
1512 exchange information that is necessary for, and cooperate in the

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1513 investigation of, the circumstances requiring suspension of play  
1514 pursuant to this paragraph.

1515 (i) Procedures for requiring each resort licensee at his  
1516 or her own cost and expense to supply the commission with a bond  
1517 as required.

1518 (j) The requirements for an applicant to demonstrate that  
1519 it has received conceptual approval for the destination resort  
1520 proposal from the municipality and county in which the resort  
1521 will be located.

1522 (k) Procedures for requiring licensees to maintain and to  
1523 provide to the commission records, data, information, or  
1524 reports, including financial and income records.

1525 (l) Procedures to calculate the payout percentages of slot  
1526 machines.

1527 (m) Minimum standards for security of the facilities,  
1528 including floor plans, security cameras, and other security  
1529 equipment.

1530 (n) The scope and conditions for investigations and  
1531 inspections into the conduct of limited gaming.

1532 (o) The standards and procedures for the seizure without  
1533 notice or hearing of gaming equipment, supplies, or books and  
1534 records for the purpose of examination and inspection.

1535 (p) Procedures for requiring resort licensees and supplier  
1536 licensees to implement and establish drug-testing programs for  
1537 all occupational employees.

1538 (q) Procedures and guidelines for the continuous recording  
1539 of all gaming activities at a limited gaming facility. The  
1540 commission may require a resort licensee to timely provide all

1541 or part of the original recordings pursuant to a schedule.

1542 (r) The payment of costs incurred by the commission or any  
 1543 other agencies for investigations or background checks or costs  
 1544 associated with testing limited gaming related equipment, which  
 1545 must be paid by an applicant for a license or a licensee.

1546 (s) The levying of fines for violations of this part or  
 1547 any rule adopted by the commission, which fines may not exceed  
 1548 \$250,000 per violation arising out of a single transaction.

1549 (t) The amount of the application fee for an initial  
 1550 issuance or renewal of an occupational license or a suppliers  
 1551 license, not to exceed \$5,000.

1552 (u) Any other rules the commission finds necessary for  
 1553 safe, honest, and highly regulated gaming in the state. For  
 1554 purposes of this paragraph, the commission shall consider rules  
 1555 from any other jurisdiction in which gaming is highly regulated,  
 1556 such as New Jersey or Nevada.

1557 (v) Any other rule necessary to accomplish the purposes of  
 1558 this part.

1559 (2) The commission may at any time adopt emergency rules  
 1560 pursuant to s. 120.54. The Legislature finds that such emergency  
 1561 rulemaking power is necessary for the preservation of the rights  
 1562 and welfare of the people in order to provide additional funds  
 1563 to benefit the public. The Legislature further finds that the  
 1564 unique nature of limited gaming operations requires, from time  
 1565 to time, that the commission respond as quickly as is  
 1566 practicable. Therefore, in adopting such emergency rules, the  
 1567 commission need not make the findings required by s.  
 1568 120.54(4) (a). Emergency rules adopted under this section are



1569 exempt from s. 120.54(4)(c). However, the emergency rules may  
 1570 not remain in effect for more than 180 days except that the  
 1571 commission may renew the emergency rules during the pendency of  
 1572 procedures to adopt permanent rules addressing the subject of  
 1573 the emergency rules.

1574 Section 18. Section 551.306, Florida Statutes, is created  
 1575 to read:

1576 551.306 Legislative authority; administration of part.—The  
 1577 regulation of the conduct of limited gaming activity at a resort  
 1578 licensee is preempted to the state and a county, municipality,  
 1579 or other political subdivision of the state may not enact any  
 1580 ordinance relating to limited gaming. Only the department and  
 1581 other authorized state agencies may administer this part and  
 1582 regulate limited gaming, including limited gaming at resort  
 1583 licensees and the assessment of fees or taxes relating to the  
 1584 conduct of limited gaming.

1585 Section 19. Section 551.307, Florida Statutes, is created  
 1586 to read:

1587 551.307 Authorization of limited gaming at destination  
 1588 resorts.—Notwithstanding any other provision of law, the  
 1589 commission may award a resort license authorizing limited gaming  
 1590 in a county only if a majority of the electors voting in a  
 1591 countywide referendum have approved the conduct of slot machine  
 1592 gaming as defined in s. 551.102 or a majority of the electors  
 1593 voting in a countywide referendum have passed a referendum  
 1594 allowing for limited gaming. If limited gaming is authorized  
 1595 through the award of a resort license, the resort licensee may  
 1596 possess slot machines and other authorized gaming devices and

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1597 conduct limited gaming at the licensed location. Notwithstanding  
 1598 any other provision of law, a person who is at least 21 years of  
 1599 age may lawfully participate in authorized games at a facility  
 1600 licensed to possess authorized limited gaming devices and  
 1601 conduct limited gaming or to participate in limited gaming as  
 1602 described in this part.

1603 Section 20. Section 551.308, Florida Statutes, is created  
 1604 to read:

1605 551.308 Process for awarding destination resort licenses.-

1606 (1) The commission shall by rule use an invitation to  
 1607 negotiate process for determining the award of a resort license.  
 1608 The application, review, and issuance procedures for awarding a  
 1609 license shall be by a process in which applicants rely on forms  
 1610 provided by the commission in response to an invitation to  
 1611 negotiate issued by the commission. The commission shall issue  
 1612 the invitation to negotiate no later than 90 days after the date  
 1613 of the commission's first meeting.

1614 (2) Proposals in response to the invitation to negotiate  
 1615 must be received by the commission no later than 90 days after  
 1616 the issuance of the invitation to negotiate.

1617 (3) The commission may specify in its invitation to  
 1618 negotiate the county in which the facility would be located.  
 1619 When determining whether to authorize a destination resort  
 1620 located within a specific county or counties, the commission  
 1621 shall hold a public hearing in such county or counties to  
 1622 discuss the proposals and receive public comments on  
 1623 determination of the award of licenses.

1624 (4) The commission shall review all complete replies

1625 received pursuant to an invitation to negotiate. The commission  
 1626 may select one or more replies with which to commence  
 1627 negotiations after determining which replies are in the best  
 1628 interest of the state based on the selection criteria. The  
 1629 commission shall award or deny a destination resort license  
 1630 within 90 days after the deadline for the submission of a reply.

1631 Section 21. Section 551.309, Florida Statutes, is created  
 1632 to read:

1633 551.309 Criteria for the award of a destination resort  
 1634 license.-The commission may award no more than three destination  
 1635 resort licenses.

1636 (1) The commission may award a resort license to the  
 1637 applicant of an invitation to negotiate which best serves the  
 1638 interests of the residents of this state. The reply to an  
 1639 invitation to negotiate for a resort license must include an  
 1640 application that demonstrates the applicant's ability to meet  
 1641 the following minimum criteria:

1642 (a) The applicant must demonstrate a capacity to increase  
 1643 tourism, generate jobs, provide revenue to the local economy,  
 1644 and provide revenue to the General Revenue Fund.

1645 (b) The limited gaming floor in a destination resort may  
 1646 constitute no more than 10 percent of the resort development's  
 1647 total square footage. The resort development's total square  
 1648 footage is the aggregate of the total square footage of the  
 1649 limited gaming facility, the hotel or hotels, convention space,  
 1650 retail facilities, nongaming entertainment facilities, service  
 1651 centers, and office space or administrative areas.

1652 (c) The applicant must demonstrate a history of, or a bona

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1653 fide plan for, community involvement or investment in the  
1654 community where the resort having a limited gaming facility will  
1655 be located.

1656 (d) The applicant must demonstrate the financial ability  
1657 to purchase and maintain an adequate surety bond.

1658 (e) The applicant must demonstrate that it has adequate  
1659 capitalization to develop, construct, maintain, and operate the  
1660 proposed resort having a limited gaming facility in accordance  
1661 with the requirements of this part and rules adopted by the  
1662 commission and to responsibly meet its secured and unsecured  
1663 debt obligations in accordance with its financial and other  
1664 contractual agreements.

1665 (f) The applicant must demonstrate the ability to  
1666 implement a program to train and employ residents of this state  
1667 for jobs that will be available at the destination resort,  
1668 including its ability to implement a program for the training of  
1669 low-income persons.

1670 (g) The commission may, at its discretion, assess the  
1671 quality of the proposed development's aesthetic appearance in  
1672 the context of its potential to provide substantial economic  
1673 benefits to the community and the people of this state,  
1674 including, but not limited to, its potential to provide  
1675 substantial employment opportunities.

1676 (h) The applicant must demonstrate that it will expend at  
1677 least \$2 billion in new development and construction of the  
1678 proposed destination resort following the award of a license,  
1679 excluding any purchase price and costs associated with the  
1680 acquisition of real property on which to develop the destination

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1681 resort. Such expenditure must in aggregate be completed within 5  
1682 years after the award of any such license.

1683 (i) The applicant must demonstrate the ability to generate  
1684 substantial gross receipts.

1685 (2) (a) The commission shall evaluate applications based on  
1686 the following weighted criteria:

1687 1. Design and location: 35 percent.

1688 2. Management expertise: 10 percent.

1689 3. Speed to market: 35 percent.

1690 4. Financial plan and access to capital: 10 percent.

1691 5. Community plan: 10 percent.

1692 (b) The commission shall give preference to those  
1693 applicants that demonstrate that they meet the following  
1694 criteria:

1695 1. The roads, water, sanitation, utilities, and related  
1696 services to the proposed location of the destination resort are  
1697 adequate and the proposed destination resort will not unduly  
1698 impact public services, existing transportation infrastructure,  
1699 consumption of natural resources, and the quality of life  
1700 enjoyed by residents of the surrounding neighborhoods.

1701 2. The applicant will be able to commence construction as  
1702 soon after awarding of the resort license as possible, but, in  
1703 any event, no later than 12 months after the award of the resort  
1704 license.

1705 3. The destination resort may be located in an empowerment  
1706 zone or enterprise zone, as those terms are defined by federal  
1707 and state law.

1708 4. The destination resort will be located in an area in

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1709 which the unemployment rate in the zip codes immediately  
1710 surrounding the proposed location is among the highest in the  
1711 state.

1712 5. The destination resort will include amenities and uses  
1713 that will allow other state businesses to be included within the  
1714 destination resort.

1715 (3) A resort license may be issued only to persons of good  
1716 moral character who are at least 21 years of age. A resort  
1717 license may issued to a corporation only if its officers are of  
1718 good moral character and at least 21 years of age.

1719 (4) A resort license may not be issued to an applicant if  
1720 the applicant, qualifier, or institutional investor:

1721 (a) Has, within the last 5 years, been adjudicated by a  
1722 court or tribunal for failure to pay income, sales, or gross  
1723 receipts tax due and payable under any federal, state, or local  
1724 law, after exhaustion of all appeals or administrative remedies.

1725 (b) Has been convicted of a felony under the laws of this  
1726 state, any other state, or the United States.

1727 (c) Has been convicted of any violation under chapter 817  
1728 or under a substantially similar law of another jurisdiction.

1729 (d) Knowingly submitted false information in the  
1730 application for the license.

1731 (e) Is a member or employee of the commission.

1732 (f) Was licensed to own or operate gaming or pari-mutuel  
1733 facilities in this state or another jurisdiction and that  
1734 license was revoked.

1735 (g) Is an entity that has accepted any wager of money or  
1736 other consideration on any online gambling activity, including

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1737 poker, from any state resident since October 13, 2006. However,  
1738 this prohibition does not disqualify an applicant or  
1739 subcontractor who accepts online pari-mutuel wagers from a state  
1740 resident through a legal online pari-mutuel wagering entity  
1741 authorized in another state.

1742 (h) Fails to meet any other criteria for licensure set  
1743 forth in this part.

1744  
1745 As used in this subsection, the term "conviction" includes an  
1746 adjudication of guilt on a plea of guilty or nolo contendere or  
1747 the forfeiture of a bond when charged with a crime.

1748 Section 22. Section 551.310, Florida Statutes, is created  
1749 to read:

1750 551.310 Application for destination resort license.-

1751 (1) APPLICATION.-A reply submitted in response to an  
1752 invitation to negotiate must include a sworn application in the  
1753 format prescribed by the commission. The application must  
1754 include the following information:

1755 (a)1. The name, business address, telephone number, social  
1756 security number, and, where applicable, federal tax

1757 identification number of the applicant and each qualifier; and  
1758 2. Information, documentation, and assurances concerning  
1759 financial background and resources as may be required to  
1760 establish the financial stability, integrity, and responsibility  
1761 of the applicant. This includes business and personal income and  
1762 disbursement schedules, tax returns and other reports filed with  
1763 governmental agencies, and business and personal accounting and  
1764 check records and ledgers. In addition, each applicant must

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1765 provide written authorization for the examination of all bank  
1766 accounts and records as may be deemed necessary by the  
1767 commission.

1768 (b) The identity and, if applicable, the state of  
1769 incorporation or registration of any business in which the  
1770 applicant or a qualifier has an equity interest of more than 5  
1771 percent. If the applicant or qualifier is a corporation,  
1772 partnership, or other business entity, the applicant or  
1773 qualifier must identify any other corporation, partnership, or  
1774 other business entity in which it has an equity interest of more  
1775 than 5 percent, including, if applicable, the state of  
1776 incorporation or registration.

1777 (c) Documentation, as required by the commission, that the  
1778 applicant has received conceptual approval of the destination  
1779 resort proposal from the municipality and county in which the  
1780 resort will be located.

1781 (d) A statement as to whether the applicant or a qualifier  
1782 has developed and operated a similar gaming facility within a  
1783 highly regulated domestic jurisdiction that allows similar forms  
1784 of development, including a description of the gaming facility,  
1785 the gaming facility's gross revenue, and the amount of revenue  
1786 the gaming facility has generated for state and local  
1787 governments within that jurisdiction.

1788 (e) A statement as to whether the applicant or a qualifier  
1789 has been indicted, convicted of, pled guilty or nolo contendere  
1790 to, or forfeited bail for any felony or for a misdemeanor  
1791 involving gambling, theft, or fraud. The statement must include  
1792 the date, the name and location of the court, the arresting



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1793 agency, the prosecuting agency, the case caption, the docket  
1794 number, the nature of the offense, the disposition of the case,  
1795 and, if applicable, the location and length of incarceration.

1796 (f) A statement as to whether the applicant or a qualifier  
1797 has ever been granted any license or certificate in any  
1798 jurisdiction which has been restricted, suspended, revoked, not  
1799 renewed, or otherwise subjected to discipline. The statement  
1800 must describe the facts and circumstances concerning that  
1801 restriction, suspension, revocation, nonrenewal, or discipline,  
1802 including the licensing authority, the date each action was  
1803 taken, and an explanation of the circumstances for each  
1804 disciplinary action.

1805 (g) A statement as to whether the applicant or qualifier  
1806 has, as a principal or a controlling shareholder, within the  
1807 last 10 years, filed for protection under the Federal Bankruptcy  
1808 Code or had an involuntary bankruptcy petition filed against it.

1809 (h) A statement as to whether the applicant or qualifier  
1810 has, within the last 5 years, been adjudicated by a court or  
1811 tribunal for failure to pay any income, sales, or gross receipts  
1812 tax due and payable under federal, state, or local law, or under  
1813 the laws of any applicable foreign jurisdiction, after  
1814 exhaustion of all appeals or administrative remedies. This  
1815 statement must identify the amount and type of the tax and the  
1816 time periods involved and must describe the resolution of the  
1817 nonpayment.

1818 (i) A list of the names and titles of any public officials  
1819 or officers of any unit of state government or of the local  
1820 government or governments in the county or municipality in which

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1821 the proposed resort is to be located, and the spouses, parents,  
1822 and children of those public officials or officers, who,  
1823 directly or indirectly, own any financial interest in, have any  
1824 beneficial interest in, are the creditors of, hold any debt  
1825 instrument issued by the applicant or a qualifier, or hold or  
1826 have an interest in any contractual or service relationship with  
1827 the applicant or qualifier. As used in this paragraph, the terms  
1828 "public official" and "officer" do not include a person who  
1829 would be listed solely because the person is a member of the  
1830 Florida National Guard.

1831 (j) The name and business telephone number of, and a  
1832 disclosure of fees paid to any attorney, lobbyist, employee,  
1833 consultant, or other person who has represented the applicant's  
1834 interests in the state for 3 years prior to the effective date  
1835 of this section or who is representing an applicant before the  
1836 commission during the application process.

1837 (k) A description of the applicant's history of and  
1838 proposed plan for community involvement or investment in the  
1839 community where the resort having a limited gaming facility  
1840 would be located.

1841 (l) A description of the applicant's proposed resort,  
1842 including a map documenting the location of the facility within  
1843 the specific county or counties; a statement regarding the  
1844 compliance of the applicant with state, regional, and local  
1845 planning and zoning requirements; a description of the economic  
1846 benefit to the community in which the facility would be located;  
1847 the anticipated number of jobs generated by construction of the  
1848 facility; the anticipated number of employees; a statement

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1849 regarding how the applicant would comply with federal and state  
1850 affirmative action guidelines; a projection of admissions or  
1851 attendance at the limited gaming facility; a projection of gross  
1852 receipts; and scientific market research pertaining to the  
1853 proposed facility, if any.

1854 (m) Proof that a countywide referendum has been approved  
1855 by the electors of the county to authorize slot machine gaming  
1856 as defined in s. 551.102 in the county prior to the application  
1857 deadline or that proof of a countywide referendum has been  
1858 approved prior to the application deadline by the electors of  
1859 the county authorizing limited gaming as defined in this  
1860 chapter.

1861 (n) A schedule or timeframe for completing the resort.

1862 (o) A plan for training residents of this state for jobs  
1863 at the resort. The job-training plan must provide training to  
1864 enable low-income persons to qualify for jobs at the resort.

1865 (p) The identity of each person, association, trust, or  
1866 corporation or partnership having a direct or indirect equity  
1867 interest in the applicant of greater than 5 percent. If  
1868 disclosure of a trust is required under this paragraph, the  
1869 names and addresses of the beneficiaries of the trust must also  
1870 be disclosed. If the identity of a corporation must be  
1871 disclosed, the names and addresses of all stockholders and  
1872 directors must also be disclosed. If the identity of a  
1873 partnership must be disclosed, the names and addresses of all  
1874 partners, both general and limited, must also be disclosed.

1875 (q) A destination resort and limited gaming facility  
1876 development plan and projected investment of \$2 billion pursuant

1877 | to s. 551.309.

1878 |       (r) The fingerprints of all officers or directors of the  
 1879 | applicant and qualifiers, and any persons exercising operational  
 1880 | or managerial control of the applicant, as determined by rule of  
 1881 | the commission, for a criminal history record check.

1882 |       (s) A statement outlining the organization's diversity  
 1883 | plan.

1884 |       (t) A listing of all gaming licenses and permits the  
 1885 | applicant or qualifier currently possesses.

1886 |       (u) A listing of former or inactive officers, directors,  
 1887 | partners, and trustees.

1888 |       (v) A listing of all affiliated business entities or  
 1889 | holding companies, including nongaming interests.

1890 |       (w) Any other information the commission may deem  
 1891 | appropriate or require during the application process as  
 1892 | provided by rule.

1893 |       (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any  
 1894 | other provision of law, the commission is the sole authority for  
 1895 | determining the information or documentation that must be  
 1896 | included in an application for a resort license or in an  
 1897 | application to renew a resort license. Such documentation and  
 1898 | information may relate to: demographics, education, work  
 1899 | history, personal background, criminal history, finances,  
 1900 | business information, complaints, inspections, investigations,  
 1901 | discipline, bonding, photographs, performance periods,  
 1902 | reciprocity, local government approvals, supporting  
 1903 | documentation, periodic reporting requirements, and fingerprint  
 1904 | requirements.

1905           (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall  
 1906 be supplemented as needed to reflect any material change in any  
 1907 circumstance or condition stated in the application which takes  
 1908 place between the initial filing of the application and the  
 1909 final grant or denial of the license. Any submission required to  
 1910 be in writing may otherwise be required by the commission to be  
 1911 made by electronic means.

1912           (4) APPLICATION FEES.—

1913           (a) The application for a resort license must be submitted  
 1914 along with a nonrefundable application fee of \$1 million to be  
 1915 used by the commission to defray costs associated with the  
 1916 review and investigation of the application and to conduct a  
 1917 background investigation of the applicant and each qualifier. If  
 1918 the cost of the review and investigation exceeds \$1 million, the  
 1919 applicant must pay the additional amount to the commission  
 1920 within 30 days after the receipt of a request for an additional  
 1921 payment.

1922           (b) The application for a destination resort license must  
 1923 be submitted with a one-time licensing fee of \$50 million. If  
 1924 the commission denies the application, the commission must  
 1925 refund the licensing fee within 30 days after the denial of the  
 1926 application. If the applicant withdraws the application after  
 1927 the application deadline established by the commission, the  
 1928 commission must refund 80 percent of the licensing fee within 30  
 1929 days after the application is withdrawn.

1930           Section 23. Section 551.311, Florida Statutes, is created  
 1931 to read:

1932           551.311 Incomplete applications.—

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1933           (1) An incomplete application for a resort license is  
 1934 grounds for the denial of the application.

1935           (2) (a) If the commission determines that an application  
 1936 for a resort license is incomplete, the executive director shall  
 1937 immediately provide written notice to the applicant of the  
 1938 incomplete items. The applicant may then request an informal  
 1939 conference with the executive director or his or her designee to  
 1940 discuss the application.

1941           (b) The executive director may provide the applicant an  
 1942 extension of 30 days to complete the application following the  
 1943 date of the informal conference. If the executive director finds  
 1944 that the application has not been completed within the  
 1945 extension, the applicant may appeal the finding to the  
 1946 commission. During an extension or the pendency of an appeal to  
 1947 the commission, the award of resort licenses in the applicable  
 1948 county is stayed.

1949           Section 24. Section 551.312, Florida Statutes, is created  
 1950 to read:

1951           551.312 Institutional investors as qualifiers.-

1952           (1) (a) An application for a resort license that has an  
 1953 institutional investor as a qualifier need not contain  
 1954 information relating to the institutional investor, other than  
 1955 the identity of the investor, if the institutional investor  
 1956 holds less than 15 percent of the equity or debt securities and  
 1957 files a certified statement that the institutional investor does  
 1958 not intend to influence or affect the affairs of the applicant  
 1959 or an affiliate of the applicant and that its holdings of  
 1960 securities of the applicant or affiliate were purchased for

1961 investment purposes only.

1962 (b) The commission may limit the application requirements  
 1963 as provided in this subsection for an institutional investor  
 1964 that is a qualifier and that holds 5 percent or more of the  
 1965 equity or debt securities of an applicant or affiliate of the  
 1966 applicant upon a showing of good cause and if the conditions  
 1967 specified in paragraph (a) are satisfied.

1968 (2) An institutional investor that is exempt from the full  
 1969 application requirements under this section and that  
 1970 subsequently intends to influence or affect the affairs of the  
 1971 issuer must first notify the commission of its intent and file  
 1972 an application containing all of the information that would have  
 1973 been required of the institutional investor in the application  
 1974 for a resort license. The commission may deny the application if  
 1975 it determines that granting the application will impair the  
 1976 financial stability of the licensee or impair the ability of the  
 1977 licensee to comply with its development plans or other plans  
 1978 submitted to the commission by the applicant or licensee.

1979 (3) An applicant for a license or a resort licensee or  
 1980 affiliate shall immediately notify the commission of any  
 1981 information concerning an institutional investor holding its  
 1982 equity or debt securities which may disqualify an institutional  
 1983 investor from having a direct or indirect interest in the  
 1984 applicant or licensee, and the commission may require the  
 1985 institutional investor to file all information that would have  
 1986 been required of the institutional investor in the application  
 1987 for a license.

1988 (4) If the commission finds that an institutional investor

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1989 that is a qualifier fails to comply with the requirements of  
 1990 subsection (1) or, if at any time the commission finds that by  
 1991 reason of the extent or nature of its holdings an institutional  
 1992 investor is in a position to exercise a substantial impact upon  
 1993 the controlling interests of a licensee, the commission may  
 1994 require the institutional investor to file an application  
 1995 containing all of information that would have been required of  
 1996 the institutional investor in the application for a license.

1997 (5) Notwithstanding paragraph (1)(b), an institutional  
 1998 investor may vote on all matters that are put to the vote of the  
 1999 outstanding security holders of the applicant or licensee.

2000 Section 25. Section 551.313, Florida Statutes, is created  
 2001 to read:

2002 551.313 Lenders and underwriters; exemption as  
 2003 qualifiers.—A bank, lending institution, or underwriter in  
 2004 connection with any bank or lending institution that, in the  
 2005 ordinary course of business, makes a loan to, or holds a  
 2006 security interest in, a licensee or applicant, a supplier  
 2007 licensee or applicant or its subsidiary, or direct or indirect  
 2008 parent company of any such bank, lending institution, or  
 2009 underwriter is not a qualifier and is not required to be  
 2010 licensed.

2011 Section 26. Section 551.314, Florida Statutes, is created  
 2012 to read:

2013 551.314 Conditions for a resort license.—As a condition to  
 2014 licensure and to maintain continuing authority, a resort  
 2015 licensee must:

2016 (1) Comply with this part and the rules of the department.



2017 (2) Allow the department and the Department of Law  
 2018 Enforcement unrestricted access to and right of inspection of  
 2019 facilities of the licensee in which any activity relative to the  
 2020 conduct of gaming is conducted.

2021 (3) Complete the resort in accordance with the plans and  
 2022 timeframe proposed to the commission in its application, unless  
 2023 an extension is granted by the commission. The commission may  
 2024 grant such an extension, not to exceed 1 year after the original  
 2025 planned completion date, upon good cause shown by the licensee.

2026 (4) Ensure that the facilities-based computer system that  
 2027 the licensee will use for operational and accounting functions  
 2028 of the facility is specifically structured to facilitate  
 2029 regulatory oversight. The facilities-based computer system shall  
 2030 be designed to provide the department and the Department of Law  
 2031 Enforcement with the ability to monitor, at any time on a real-  
 2032 time basis, the wagering patterns, payouts, tax collection, and  
 2033 such other operations as necessary to determine whether the  
 2034 facility is in compliance with statutory provisions and rules  
 2035 adopted by the department for the regulation and control of  
 2036 gaming. The department and the Department of Law Enforcement  
 2037 shall have complete and continuous access to this system. Such  
 2038 access shall include the ability of either the department or the  
 2039 Department of Law Enforcement to suspend play immediately on  
 2040 particular slot machines or gaming devices if monitoring of the  
 2041 system indicates possible tampering or manipulation of those  
 2042 slot machines or gaming devices or the ability to suspend play  
 2043 immediately of the entire operation if the tampering or  
 2044 manipulation is of the computer system itself. The computer

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2045 system shall be reviewed and approved by the department to  
2046 ensure necessary access, security, and functionality. However,  
2047 neither the commission nor the Department of Law Enforcement  
2048 shall have the ability to alter any data. The department may  
2049 adopt rules to provide for the approval process.

2050 (5) Ensure that each game, slot machine, or other gaming  
2051 device is protected from manipulation or tampering that may  
2052 affect the random probabilities of winning plays. The department  
2053 or the Department of Law Enforcement may suspend play upon  
2054 reasonable suspicion of any manipulation or tampering. If play  
2055 has been suspended on any game, slot machine, or other gaming  
2056 device, the department or the Department of Law Enforcement may  
2057 conduct an examination to determine whether the game, machine,  
2058 or other gaming device has been tampered with or manipulated and  
2059 whether the game, machine, or other gaming device should be  
2060 returned to operation.

2061 (6) Submit a security plan, including the facilities'  
2062 floor plans, the locations of security cameras, and a listing of  
2063 all security equipment that is capable of observing and  
2064 electronically recording activities being conducted in the  
2065 facilities of the licensee. The security plan must meet the  
2066 minimum security requirements as determined by the department  
2067 and be implemented before the operation of gaming. The  
2068 licensee's facilities must adhere to the security plan at all  
2069 times. Any changes to the security plan must be submitted by the  
2070 licensee to the department prior to implementation. The  
2071 department shall furnish copies of the security plan and changes  
2072 in the plan to the Department of Law Enforcement.

2073 (7) Create and file with the commission a written policy  
 2074 for:

2075 (a) Creating opportunities to purchase from vendors in  
 2076 this state.

2077 (b) Creating opportunities for the employment of residents  
 2078 of this state.

2079 (c) Ensuring opportunities for obtaining construction  
 2080 services from residents and vendors in this state.

2081 (d) Ensuring that opportunities for employment are offered  
 2082 on an equal, nondiscriminatory basis.

2083 (e) Training employees on responsible gaming and working  
 2084 with a compulsive or addictive gambling prevention program.

2085 (f) Implementing a drug-testing program for each  
 2086 occupational licensee that includes, but is not limited to,  
 2087 requiring such person to sign an agreement that he or she  
 2088 understands that the resort is a drug-free workplace.

2089 (g) Using the Internet-based job-listing system of the  
 2090 Department of Economic Opportunity in advertising employment  
 2091 opportunities.

2092 (h) Ensuring that the payout percentage of each slot  
 2093 machine is at least 85 percent.

2094 (8) File with the department detailed documentation of the  
 2095 applicant's, its affiliates', or any holding company's history  
 2096 of using labor in any jurisdiction that would fall outside of  
 2097 ages defined in chapter 450.

2098 (9) Keep and maintain permanent daily records of its  
 2099 limited gaming operations and maintain such records for a period  
 2100 of not less than 5 years. These records must include all

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2101 financial transactions and contain sufficient detail to  
2102 determine compliance with the requirements of this part. All  
2103 records shall be available for audit and inspection by the  
2104 department, the Department of Law Enforcement, or other law  
2105 enforcement agencies during the resort licensee's regular  
2106 business hours.

2107 Section 27. Section 551.315, Florida Statutes, is created  
2108 to read:

2109 551.315 Surety bond.—A destination resort licensee must,  
2110 at its own cost and expense, before the license is delivered,  
2111 give a bond in the penal sum to be determined by the department  
2112 payable to the Governor of the state and his or her successors  
2113 in office. The bond must be issued by a surety or sureties  
2114 approved by the department and the Chief Financial Officer and  
2115 the bond must be conditioned on the licensee faithfully making  
2116 the required payments to the Chief Financial Officer in his or  
2117 her capacity as treasurer of the commission, keeping the  
2118 licensee's books and records and make reports as provided, and  
2119 conducting its limited gaming activities in conformity with this  
2120 part. The department shall fix the amount of the bond at the  
2121 total amount of annual license fees and the taxes estimated to  
2122 become due as determined by the department. In lieu of a bond,  
2123 an applicant or licensee may deposit with the department a like  
2124 amount of funds, a savings certificate, a certificate of  
2125 deposit, an investment certificate, or a letter of credit from a  
2126 bank, savings bank, credit union, or savings and loan  
2127 association situated in this state which meets the requirements  
2128 set for that purpose by the Chief Financial Officer. If security

2129 is provided in the form of a savings certificate, a certificate  
 2130 of deposit, or an investment certificate, the certificate must  
 2131 state that the amount is unavailable for withdrawal except upon  
 2132 order of the department. The department may review the bond or  
 2133 other security for adequacy and require adjustments, including  
 2134 increasing the amount of the bond and other security. The  
 2135 department may adopt rules to administer this section and  
 2136 establish guidelines for such bonds or other securities.

2137 Section 28. Section 551.316, Florida Statutes, is created  
 2138 to read:

2139 551.316 Conduct of limited gaming.—

2140 (1) Limited gaming may be conducted by a resort licensee,  
 2141 subject to the following:

2142 (a) The site of the limited gaming facility is limited to  
 2143 the resort licensee's site location as approved by the  
 2144 commission.

2145 (b) The department's agents and employees may enter and  
 2146 inspect a limited gaming facility or other facilities relating  
 2147 to a resort licensee's gaming operations at any time for the  
 2148 purpose of determining whether the licensee is in compliance  
 2149 with this part.

2150 (c) A resort licensee may lease or purchase gaming  
 2151 devices, equipment, or supplies customarily used in conducting  
 2152 gaming only from a licensed supplier.

2153 (d) A resort licensee may not permit any form of wagering  
 2154 on games except as permitted by this part.

2155 (e) A resort licensee may receive wagers only from a  
 2156 person present in the limited gaming facility.

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2157 (f) A resort licensee may not permit wagering using money  
2158 or other negotiable currency except for wagering on slot  
2159 machines.

2160 (g) A resort licensee may not permit a person who has not  
2161 attained 21 years of age to engage in gaming activity or remain  
2162 in an area of a limited gaming facility where gaming is being  
2163 conducted, except for a limited gaming employee of the resort  
2164 licensee who is at least 18 years of age.

2165 (h) A resort licensee may not sell or distribute tokens,  
2166 chips, or electronic cards used to make wagers outside the  
2167 limited gaming facility. The tokens, chips, or electronic cards  
2168 may be purchased by means of an agreement under which the  
2169 licensee extends credit to a wagerer. The tokens, chips, or  
2170 electronic cards may be used only for the purpose of making  
2171 wagers on games within a limited gaming facility.

2172 (i) A resort licensee may not conduct business with a  
2173 junket enterprise, except for a junket operator employed full  
2174 time by that licensee.

2175 (j) All gaming activities must be conducted in accordance  
2176 with department rules.

2177 (k) Limited gaming may not be conducted by a resort  
2178 licensee until the resort is completed according to the proposal  
2179 approved by the commission.

2180 (2) A limited gaming facility may operate 24 hours per  
2181 day, every day of the year.

2182 (3) A resort licensee may set the minimum and maximum  
2183 wagers on all games.

2184 (4) A resort licensee shall give preference in employment,

2185 reemployment, promotion, and retention to veterans and to the  
 2186 persons included under s. 295.07(1) who possess the minimum  
 2187 qualifications necessary to perform the duties of the positions  
 2188 involved.

2189 (5) A resort licensee, its affiliates, directors, and  
 2190 employees shall be subject to all applicable federal, state, and  
 2191 local laws. Such licensees, affiliates, directors, and employees  
 2192 shall subject themselves to jurisdiction of the Federal  
 2193 Government and the government of this state and acceptance of a  
 2194 license shall be considered an affirmative waiver of extradition  
 2195 to the United States from a foreign country.

2196 (6) The department shall renew a resort license if:

2197 (a) The licensee has demonstrated an effort to increase  
 2198 tourism, generate jobs, provide revenue to the local economy,  
 2199 and provide revenue to the state General Revenue Fund.

2200 (b) The department has not suspended or revoked the  
 2201 license of the licensee.

2202 (c) The licensee continues to satisfy all the requirements  
 2203 of the initial application for licensure.

2204 Section 29. Section 551.318, Florida Statutes, is created  
 2205 to read:

2206 551.318 License fee; tax rate; disposition.—

2207 (1) LICENSE FEE.—On the anniversary date of the issuance  
 2208 of the initial resort license and annually thereafter, the  
 2209 licensee must pay to the department a nonrefundable annual  
 2210 license fee of \$2 million. The license shall be renewed  
 2211 annually, unless the department has revoked the license for a  
 2212 violation of this part or rule of the department. The license

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2213 fee shall be deposited into the Destination Resort Trust Fund to  
 2214 be used by the department and the Department of Law Enforcement  
 2215 for investigations, regulation of limited gaming, and  
 2216 enforcement of this part.

2217 (2) GROSS RECEIPTS TAX.—

2218 (a) Each resort licensee shall pay a gross receipts tax on  
 2219 its gross receipts to the state. Upon completion of the resort  
 2220 and before limited gaming may be conducted, the resort licensee  
 2221 must submit proof, as required by the commission, of the total  
 2222 investment made in the construction of the resort. Upon  
 2223 submission of this information, the gross receipts tax rate  
 2224 shall be 10 percent of the gross receipts.

2225 (b) The gross receipts tax is in lieu of any other state  
 2226 taxes on gross or adjusted gross receipts of a resort licensee.

2227 (3) TAX PROCEEDS.—

2228 (a) The gross receipts tax shall be deposited into the  
 2229 Destination Resort Trust Fund and shall be used to fund the  
 2230 operating costs of the department pursuant to appropriations by  
 2231 the Legislature.

2232 (b) On June 30 of each year, all unappropriated funds in  
 2233 excess of \$5 million shall be deposited into the General Revenue  
 2234 Fund.

2235 Section 30. Section 551.319, Florida Statutes, is created  
 2236 to read:

2237 551.319 Fingerprint requirements.—Any fingerprints  
 2238 required to be taken under this part must be taken in a manner  
 2239 approved by, and shall be submitted electronically by the  
 2240 department to, the Department of Law Enforcement. The Department



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2241 of Law Enforcement shall submit the results of the state and  
2242 national records check to the department. The department shall  
2243 consider the results of the state and national records check in  
2244 evaluating an application for any license.

2245 (1) The cost of processing fingerprints and conducting a  
2246 criminal history record check shall be borne by the applicant.  
2247 The Department of Law Enforcement may submit a monthly invoice  
2248 to the department for the cost of processing the fingerprints  
2249 submitted.

2250 (2) All fingerprints submitted to the Department of Law  
2251 Enforcement pursuant to this part shall be retained by the  
2252 Department of Law Enforcement and entered into the statewide  
2253 automated fingerprint identification system as authorized by s.  
2254 943.05(2) (b) and shall be available for all purposes and uses  
2255 authorized for arrest fingerprint cards entered into the  
2256 statewide automated fingerprint identification system pursuant  
2257 to s. 943.051.

2258 (3) The Department of Law Enforcement shall search all  
2259 arrest fingerprints received pursuant to s. 943.051, against the  
2260 fingerprints retained in the statewide automated fingerprint  
2261 identification system. Any arrest record that is identified with  
2262 the retained fingerprints of a person subject to the criminal  
2263 history screening under this part shall be reported to the  
2264 department. Each licensee shall pay a fee to the department for  
2265 the cost of retention of the fingerprints and the ongoing  
2266 searches under this subsection. The department shall forward the  
2267 payment to the Department of Law Enforcement. The amount of the  
2268 fee to be imposed for performing these searches and the

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2269 procedures for the retention of licensee fingerprints shall be  
 2270 as established by rule of the Department of Law Enforcement. The  
 2271 department shall inform the Department of Law Enforcement of any  
 2272 change in the license status of licensees whose fingerprints are  
 2273 retained under subsection (2).

2274 (4) The department shall request the Department of Law  
 2275 Enforcement to forward the fingerprints to the Federal Bureau of  
 2276 Investigation for a national criminal history records check  
 2277 every 3 years following issuance of a license. If the  
 2278 fingerprints of a person who is licensed have not been retained  
 2279 by the Department of Law Enforcement, the person must file  
 2280 another set of fingerprints. The department shall collect the  
 2281 fees for the cost of the national criminal history record check  
 2282 under this subsection and shall forward the payment to the  
 2283 Department of Law Enforcement. The cost of processing  
 2284 fingerprints and conducting a criminal history record check  
 2285 under this subsection shall be borne by the licensee or  
 2286 applicant. The Department of Law Enforcement may submit an  
 2287 invoice to the department for the fingerprints submitted each  
 2288 month. Under penalty of perjury, each person who is licensed or  
 2289 who is fingerprinted as required by this section must agree to  
 2290 inform the department within 48 hours if he or she is convicted  
 2291 of or has entered a plea of guilty or nolo contendere to any  
 2292 disqualifying offense, regardless of adjudication.

2293 Section 31. Section 551.321, Florida Statutes, is created  
 2294 to read:

2295 551.321 Supplier licenses.—

2296 (1) A person must have a supplier license in order to

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2297 furnish on a regular or continuing basis to a resort licensee or  
 2298 an applicant for a resort license gaming equipment, devices, or  
 2299 supplies or other goods or services regarding the operation of  
 2300 limited gaming at the facility.

2301 (2) An applicant for a supplier license must apply to the  
 2302 department on forms adopted by the department by rule. The  
 2303 licensing fee for the initial and annual renewal of the license  
 2304 shall be a scale of fees determined by rule of the commission  
 2305 based on the type of service provided by the supplier but may  
 2306 not exceed \$25,000.

2307 (3) An applicant for a supplier license must include in  
 2308 the application the fingerprints of the persons identified by  
 2309 department rule for the processing of state and national  
 2310 criminal history record checks.

2311 (4) (a) An applicant for a supplier license is not eligible  
 2312 for licensure if:

2313 1. A person for whom fingerprinting is required under  
 2314 subsection (3) has been convicted of a felony under the laws of  
 2315 this state, any other state, or the United States;

2316 2. The applicant knowingly submitted false information in  
 2317 the application for a supplier license;

2318 3. The applicant is a member of the commission or an  
 2319 employee of the department;

2320 4. The applicant is not a natural person and an officer,  
 2321 director, or managerial employee of that person is a person  
 2322 described in subparagraphs 1.-3.;

2323 5. The applicant is not a natural person and an employee  
 2324 of the applicant participates in the management or operation of

2325 limited gaming authorized under this part; or  
 2326 6. The applicant has had a license to own or operate a  
 2327 resort facility or pari-mutuel facility in this state, or a  
 2328 similar license in any other jurisdiction, revoked.  
 2329 (b) The department may revoke a supplier license at any  
 2330 time it determines that the licensee no longer satisfies the  
 2331 eligibility requirements in this subsection.  
 2332 (5) The department may deny an application for a supplier  
 2333 license for any person who:  
 2334 (a) Is not qualified to perform the duties required of a  
 2335 licensee;  
 2336 (b) Fails to disclose information or knowingly submits  
 2337 false information in the application;  
 2338 (c) Has violated this part or rules of the department; or  
 2339 (d) Has had a gaming-related license or application  
 2340 suspended, restricted, revoked, or denied for misconduct in any  
 2341 other jurisdiction.  
 2342 (6) A supplier licensee shall:  
 2343 (a) Furnish to the department a list of all gaming  
 2344 equipment, devices, and supplies it offers for sale or lease in  
 2345 connection with limited gaming authorized in this part;  
 2346 (b) Keep books and records documenting the furnishing of  
 2347 gaming equipment, devices, and supplies to resort licensees  
 2348 separate and distinct from any other business that the supplier  
 2349 operates;  
 2350 (c) File quarterly returns with the department listing all  
 2351 sales or leases of gaming equipment, devices, or supplies to  
 2352 resort licensees;

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2353 (d) Permanently affix its name to all gaming equipment,  
2354 devices, or supplies sold or leased to licensees; and

2355 (e) File an annual report listing its inventories of  
2356 gaming equipment, devices, and supplies, including the locations  
2357 of such equipment.

2358 (7) All gaming devices, equipment, or supplies furnished  
2359 by a licensed supplier must conform to standards adopted by  
2360 department rule.

2361 (8) (a) The department may suspend, revoke, or restrict the  
2362 supplier license of a licensee who:

2363 1. Violates this part or the rules of the department; or  
2364 2. Defaults on the payment of any obligation or debt due  
2365 to this state or a county.

2366 (b) The department must revoke the supplier license of a  
2367 licensee for any cause that, if known to the department, would  
2368 have disqualified the applicant from receiving a license.

2369 (9) A supplier licensee may repair gaming equipment,  
2370 devices, or supplies in a facility owned or leased by the  
2371 licensee.

2372 (10) Gaming devices, equipment, or supplies owned by a  
2373 supplier licensee which are used in an unauthorized gaming  
2374 operation shall be forfeited to the county where the equipment  
2375 is found.

2376 (11) The department may revoke the license or deny the  
2377 application for a supplier license of a person who fails to  
2378 comply with this section.

2379 (12) A person who knowingly makes a false statement on an  
2380 application for a supplier license commits a misdemeanor of the

2381 first degree, punishable as provided in s. 775.082 or s.  
 2382 775.083.

2383 Section 32. Section 551.322, Florida Statutes, is created  
 2384 to read:

2385 551.322 Occupational licenses.—

2386 (1) The Legislature finds that, due to the nature of their  
 2387 employment, some gaming employees require heightened state  
 2388 scrutiny, including licensing and criminal history record  
 2389 checks.

2390 (2) Any person who desires to be a gaming employee and has  
 2391 a bona fide offer of employment from a licensed gaming entity  
 2392 shall apply to the department for an occupational license. A  
 2393 person may not be employed as a gaming employee unless that  
 2394 person holds an appropriate occupational license issued under  
 2395 this section. The department may adopt rules to reclassify a  
 2396 category of nongaming employees or gaming employees upon a  
 2397 finding that the reclassification is in the public interest and  
 2398 consistent with the objectives of this part.

2399 (3) An applicant for an occupational license must apply to  
 2400 the department on forms adopted by the department by rule. An  
 2401 occupational license is valid for 4 years following issuance.  
 2402 The application must be accompanied by the licensing fee set by  
 2403 the department. The licensing fee may not exceed \$250 for an  
 2404 employee of a resort licensee.

2405 (a) The applicant shall set forth in the application  
 2406 whether the applicant:

2407 1. Has been issued a gaming-related license in any  
 2408 jurisdiction.

2409       2. Has been issued a gaming-related license in any other  
 2410 jurisdiction under any other name and, if so, the name and the  
 2411 applicant's age at the time of licensure.

2412       3. Has had a permit or license issued by another  
 2413 jurisdiction suspended, restricted, or revoked and, if so, for  
 2414 what period of time.

2415       (b) An applicant for an occupational license must include  
 2416 his or her fingerprints in the application.

2417       (4) To be eligible for an occupational license, an  
 2418 applicant must:

2419       (a) Be at least 21 years of age to perform any function  
 2420 directly relating to limited gaming by patrons;

2421       (b) Be at least 18 years of age to perform nongaming  
 2422 functions;

2423       (c) Not have been convicted of a felony or a crime  
 2424 involving dishonesty or moral turpitude in any jurisdiction; and

2425       (d) Meet the standards for the occupational license as  
 2426 provided in department rules.

2427       (5) The department must deny an application for an  
 2428 occupational license for any person who:

2429       (a) Is not qualified to perform the duties required of a  
 2430 licensee;

2431       (b) Fails to disclose or knowingly submits false  
 2432 information in the application;

2433       (c) Has violated this part; or

2434       (d) Has had a gaming-related license or application  
 2435 suspended, revoked, or denied in any other jurisdiction.

2436       (6) (a) The department may suspend, revoke, or restrict the

2437 occupational license of a licensee:

2438 1. Who violates this part or the rules of the department;

2439 2. Who defaults on the payment of any obligation or debt  
 2440 due to this state or a county; or

2441 3. For any just cause.

2442 (b) The department shall revoke the occupational license  
 2443 of a licensee for any cause that, if known to the department,  
 2444 would have disqualified the applicant from receiving a license.

2445 (7) Any training provided for an occupational licensee may  
 2446 be conducted in the facility of a resort licensee or at a school  
 2447 with which the resort licensee has entered into an agreement for  
 2448 that purpose.

2449 (8) A licensed travel agent whose commission or  
 2450 compensation from a licensee is derived solely from the price of  
 2451 the transportation or lodging arranged for by the travel agent  
 2452 is not required to have an occupational license.

2453 (9) A person who knowingly makes a false statement on an  
 2454 application for an occupational license commits a misdemeanor of  
 2455 the first degree, punishable as provided in s. 775.082 or s.  
 2456 775.083.

2457 Section 33. Section 551.323, Florida Statutes, is created  
 2458 to read:

2459 551.323 Temporary supplier license; temporary occupational  
 2460 license.—

2461 (1) Upon the written request of an applicant for a  
 2462 supplier license or an occupational license, the executive  
 2463 director shall issue a temporary license to the applicant and  
 2464 permit the applicant to undertake employment with or provide



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2465 gaming equipment, devices, or supplies or other goods or  
2466 services to a resort licensee or an applicant for a resort  
2467 license if:

2468 (a) The applicant has submitted a completed application,  
2469 an application fee, all required disclosure forms, and other  
2470 required written documentation and materials;

2471 (b) A preliminary review of the application and the  
2472 criminal history record check does not reveal that the applicant  
2473 or a person subject to a criminal history record check has been  
2474 convicted of a crime that would require denial of the  
2475 application;

2476 (c) A deficiency does not appear to exist in the  
2477 application which may require denial of the application; and

2478 (d) The applicant has an offer of employment from, or an  
2479 agreement to begin providing gaming devices, equipment, or  
2480 supplies or other goods and services to, a resort licensee or an  
2481 applicant for a resort license, or the applicant for a temporary  
2482 license shows good cause for being granted a temporary license.

2483 (2) An initial temporary occupational license or  
2484 supplier's license may not be valid for more than 90 days;  
2485 however, a temporary occupational license may be renewed one  
2486 time for an additional 90 days.

2487 (3) An applicant who receives a temporary license may  
2488 undertake employment with or supply a resort licensee with  
2489 gaming devices, equipment, or supplies or other goods or  
2490 services until a license is issued or denied or until the  
2491 temporary license expires or is suspended or revoked.

2492 Section 34. Section 551.325, Florida Statutes, is created

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2493 to read:

2494 551.325 Quarterly report.—The commission shall file  
 2495 quarterly reports with the Governor, the President of the  
 2496 Senate, and the Speaker of the House of Representatives covering  
 2497 the previous fiscal quarter. Each report must include:

2498 (1) A statement of receipts and disbursements related to  
 2499 limited gaming.

2500 (2) A summary of disciplinary actions taken by the  
 2501 department.

2502 (3) Any additional information and recommendations that  
 2503 the department believes may improve the regulation of limited  
 2504 gaming or increase the economic benefits of limited gaming to  
 2505 this state.

2506 Section 35. Section 551.327, Florida Statutes, is created  
 2507 to read:

2508 551.327 Resolution of disputes between licensees and  
 2509 wagerers.—

2510 (1) (a) The licensee must immediately notify the department  
 2511 of a dispute whenever a resort licensee has a dispute with a  
 2512 wagerer which is not resolved to the satisfaction of the patron  
 2513 if the amount disputed is \$500 or more and involves:

2514 1. Alleged winnings, alleged losses, or the award or  
 2515 distribution of cash, prizes, benefits, tickets, or any other  
 2516 item or items in a game, tournament, contest, drawing,  
 2517 promotion, race, or similar activity or event; or

2518 2. The manner in which a game, tournament, contest,  
 2519 drawing, promotion, race, or similar activity or event was  
 2520 conducted.

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2521 (b) If the dispute involves an amount less than \$500, the  
2522 licensee must immediately notify the wagerer of his or her right  
2523 to file a complaint with the department.

2524 (2) Upon notice of a dispute or receipt of a complaint,  
2525 the department shall conduct any investigation it deems  
2526 necessary and may order the licensee to make a payment to the  
2527 wagerer upon a finding that the licensee is liable for the  
2528 disputed amount. The decision of the department is effective on  
2529 the date the aggrieved party receives notice of the decision.  
2530 Notice of the decision is deemed sufficient if it is mailed to  
2531 the last known address of the licensee and the wagerer. The  
2532 notice is deemed to have been received by the resort licensee or  
2533 the wagerer 5 days after it is deposited with the United States  
2534 Postal Service with postage prepaid.

2535 (3) The failure of a resort licensee to notify the  
2536 department of the dispute or the wagerer of the right to file a  
2537 complaint is grounds for disciplinary action.

2538 (4) Gaming-related disputes may only be resolved by the  
2539 department and are not under the jurisdiction of state courts.

2540 (5) This section may not be construed to deny a wagerer an  
2541 opportunity to make a claim in state court for nongaming-related  
2542 issues.

2543 Section 36. Section 551.328, Florida Statutes, is created  
2544 to read:

2545 551.328 Enforcement of credit instruments.—

2546 (1) A credit instrument and the debt that instrument  
2547 represents are valid and may be enforced by legal process.

2548 (2) A resort licensee may accept an incomplete credit

2549 instrument that is signed by the patron and states the amount of  
 2550 the debt in numbers and may complete the instrument as is  
 2551 necessary for the instrument to be presented for payment.

2552 (3) A resort licensee may accept a credit instrument that  
 2553 is payable to an affiliate or may complete a credit instrument  
 2554 payable to an affiliate if the credit instrument otherwise  
 2555 complies with this section and the records of the affiliate  
 2556 pertaining to the credit instrument are made available to the  
 2557 department upon request.

2558 (4) A resort licensee may accept a credit instrument  
 2559 before, during, or after the patron incurs the debt. The credit  
 2560 instrument and the debt that the instrument represents are  
 2561 enforceable without regard to whether the credit instrument was  
 2562 accepted before, during, or after the incurring of the debt.

2563 (5) This section does not prohibit the establishment of an  
 2564 account by a deposit of cash, recognized traveler's check, or  
 2565 any other instrument that is equivalent to cash.

2566 (6) If a credit instrument is lost or destroyed, the debt  
 2567 represented by the credit instrument may be enforced if the  
 2568 resort licensee or person acting on behalf of the licensee can  
 2569 prove the existence of the credit instrument.

2570 (7) The existence of a mental disorder in a patron who  
 2571 provides a credit instrument to a resort licensee:

2572 (a) Is not a defense in any action by a resort licensee to  
 2573 enforce a credit instrument or the debt that the credit  
 2574 instrument represents.

2575 (b) Is not a valid counterclaim in an action to enforce  
 2576 the credit instrument or the debt that the credit instrument

2577 represents.

2578 (8) The failure of a resort licensee to comply with this  
 2579 section or department rules does not invalidate a credit  
 2580 instrument or affect its ability to enforce the credit  
 2581 instrument or the debt that the credit instrument represents.

2582 (9) The department may adopt rules prescribing the  
 2583 conditions under which a credit instrument may be redeemed or  
 2584 presented to a bank, credit union, or other financial  
 2585 institution for collection or payment.

2586 (10) A violation of these regulatory requirements only  
 2587 states a basis for disciplinary action for the commission.

2588 Section 37. Section 551.330, Florida Statutes, is created  
 2589 to read:

2590 551.330 Compulsive or addictive gambling prevention  
 2591 program.—

2592 (1) A resort licensee shall offer training to employees on  
 2593 responsible gaming and shall work with a compulsive or addictive  
 2594 gambling prevention program to recognize problem gaming  
 2595 situations and to implement responsible gaming programs and  
 2596 practices.

2597 (2) The department shall, subject to competitive bidding,  
 2598 contract for services relating to the prevention of compulsive  
 2599 and addictive gambling. The contract shall provide for an  
 2600 advertising program to encourage responsible gaming practices  
 2601 and to publicize a gambling telephone help line. Such  
 2602 advertisements must be made both publicly and inside the  
 2603 resort's limited gaming facility. The terms of any contract for  
 2604 such services shall include accountability standards that must

2605 be met by any private provider. The failure of a private  
 2606 provider to meet any material terms of the contract, including  
 2607 the accountability standards, constitutes a breach of contract  
 2608 or is grounds for nonrenewal. The department may consult with  
 2609 the Department of the Lottery or the Department of Business and  
 2610 Professional Regulation in the development of the program and  
 2611 the development and analysis of any procurement for contractual  
 2612 services for the compulsive or addictive gambling prevention  
 2613 program.

2614 (3) The compulsive or addictive gambling prevention  
 2615 program shall be funded from an annual nonrefundable regulatory  
 2616 fee of \$250,000 paid by each resort licensee to the department.

2617 Section 38. Section 551.331, Florida Statutes, is created  
 2618 to read:

2619 551.331 Voluntary self-exclusion from a limited gaming  
 2620 facility.-

2621 (1) A person may request that he or she be excluded from  
 2622 limited gaming facilities in this state by personally submitting  
 2623 a Request for Voluntary Self-exclusion from Limited Gaming  
 2624 Facilities Form to the department. The form must require the  
 2625 person requesting exclusion to:

2626 (a) State his or her:

2627 1. Name, including any aliases or nicknames;

2628 2. Date of birth;

2629 3. Current residential address;

2630 4. Telephone number;

2631 5. Social security number; and

2632 6. Physical description, including height, weight, gender,

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2633 hair color, eye color, and any other physical characteristic  
 2634 that may assist in the identification of the person.

2636 A self-excluded person must update the information in this  
 2637 paragraph on forms supplied by the department within 30 days  
 2638 after any change.

2639 (b) Select one of the following as the duration of the  
 2640 self-exclusion:

- 2641 1. One year.
- 2642 2. Five years.
- 2643 3. Lifetime.

2644 (c) Execute a release in which the person:

- 2645 1. Acknowledges that the request for exclusion has been  
 2646 made voluntarily.
- 2647 2. Certifies that the information provided in the request  
 2648 for self-exclusion is true and correct.
- 2649 3. Acknowledges that the individual requesting self-  
 2650 exclusion is a problem gambler.
- 2651 4. Acknowledges that a person requesting a lifetime  
 2652 exclusion will not be removed from the self-exclusion list and  
 2653 that a person requesting a 1-year or 5-year exclusion will  
 2654 remain on the self-exclusion list until a request for removal is  
 2655 approved by the department.
- 2656 5. Acknowledges that, if the individual is discovered on  
 2657 the gaming floor of a limited gaming facility, the individual  
 2658 may be removed and may be arrested and prosecuted for criminal  
 2659 trespass.
- 2660 6. Releases, indemnifies, holds harmless, and forever

2661 discharges the state, department, and all licensee from any  
 2662 claims, damages, losses, expenses, or liability arising out of,  
 2663 by reason of or relating to the self-excluded person or to any  
 2664 other party for any harm, monetary or otherwise, which may arise  
 2665 as a result of one or more of the following:

2666 a. The failure of a resort licensee to withhold gaming  
 2667 privileges from or restore gaming privileges to a self-excluded  
 2668 person.

2669 b. Permitting or prohibiting a self-excluded person from  
 2670 engaging in gaming activity in a limited gaming facility.

2671 (2) A person submitting a self-exclusion request must  
 2672 present to the department a government-issued form of  
 2673 identification containing the person's signature.

2674 (3) The department shall take a photograph of a person  
 2675 requesting self-exclusion at the time the person submits a  
 2676 request for self-exclusion.

2677 Section 39. Paragraph (a) of subsection (2) of section  
 2678 561.20, Florida Statutes, is amended to read:

2679 561.20 Limitation upon number of licenses issued.—

2680 (2) (a) No such limitation of the number of licenses as  
 2681 herein provided shall henceforth prohibit the issuance of a  
 2682 special license to:

2683 1. Any bona fide hotel, motel, or motor court of not fewer  
 2684 than 80 guest rooms in any county having a population of less  
 2685 than 50,000 residents, and of not fewer than 100 guest rooms in  
 2686 any county having a population of 50,000 residents or greater;  
 2687 or any bona fide hotel or motel located in a historic structure,  
 2688 as defined in s. 561.01(21), with fewer than 100 guest rooms



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2689 | which derives at least 51 percent of its gross revenue from the  
 2690 | rental of hotel or motel rooms, which is licensed as a public  
 2691 | lodging establishment by the Division of Hotels and Restaurants;  
 2692 | provided, however, that a bona fide hotel or motel with no fewer  
 2693 | than 10 and no more than 25 guest rooms which is a historic  
 2694 | structure, as defined in s. 561.01(21), in a municipality that  
 2695 | on the effective date of this act has a population, according to  
 2696 | the University of Florida's Bureau of Economic and Business  
 2697 | Research Estimates of Population for 1998, of no fewer than  
 2698 | 25,000 and no more than 35,000 residents and that is within a  
 2699 | constitutionally chartered county may be issued a special  
 2700 | license. This special license shall allow the sale and  
 2701 | consumption of alcoholic beverages only on the licensed premises  
 2702 | of the hotel or motel. In addition, the hotel or motel must  
 2703 | derive at least 60 percent of its gross revenue from the rental  
 2704 | of hotel or motel rooms and the sale of food and nonalcoholic  
 2705 | beverages; provided that the provisions of this subparagraph  
 2706 | shall supersede local laws requiring a greater number of hotel  
 2707 | rooms;

2708 |         2. Any condominium accommodation of which no fewer than  
 2709 | 100 condominium units are wholly rentable to transients and  
 2710 | which is licensed under the provisions of chapter 509, except  
 2711 | that the license shall be issued only to the person or  
 2712 | corporation which operates the hotel or motel operation and not  
 2713 | to the association of condominium owners;

2714 |         3. Any condominium accommodation of which no fewer than 50  
 2715 | condominium units are wholly rentable to transients, which is  
 2716 | licensed under the provisions of chapter 509, and which is

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2717 | located in any county having home rule under s. 10 or s. 11,  
 2718 | Art. VIII of the State Constitution of 1885, as amended, and  
 2719 | incorporated by reference in s. 6(e), Art. VIII of the State  
 2720 | Constitution, except that the license shall be issued only to  
 2721 | the person or corporation which operates the hotel or motel  
 2722 | operation and not to the association of condominium owners;

2723 |         4. Any restaurant having 2,500 square feet of service area  
 2724 | and equipped to serve 150 persons full course meals at tables at  
 2725 | one time, and deriving at least 51 percent of its gross revenue  
 2726 | from the sale of food and nonalcoholic beverages; however, no  
 2727 | restaurant granted a special license on or after January 1,  
 2728 | 1958, pursuant to general or special law shall operate as a  
 2729 | package store, nor shall intoxicating beverages be sold under  
 2730 | such license after the hours of serving food have elapsed; or

2731 |         5. Any caterer, deriving at least 51 percent of its gross  
 2732 | revenue from the sale of food and nonalcoholic beverages,  
 2733 | licensed by the Division of Hotels and Restaurants under chapter  
 2734 | 509. Notwithstanding any other provision of law to the contrary,  
 2735 | a licensee under this subparagraph shall sell or serve alcoholic  
 2736 | beverages only for consumption on the premises of a catered  
 2737 | event at which the licensee is also providing prepared food, and  
 2738 | shall prominently display its license at any catered event at  
 2739 | which the caterer is selling or serving alcoholic beverages. A  
 2740 | licensee under this subparagraph shall purchase all alcoholic  
 2741 | beverages it sells or serves at a catered event from a vendor  
 2742 | licensed under s. 563.02(1), s. 564.02(1), or licensed under s.  
 2743 | 565.02(1) subject to the limitation imposed in subsection (1),  
 2744 | as appropriate. A licensee under this subparagraph may not store

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2745 any alcoholic beverages to be sold or served at a catered event.  
2746 Any alcoholic beverages purchased by a licensee under this  
2747 subparagraph for a catered event that are not used at that event  
2748 must remain with the customer; provided that if the vendor  
2749 accepts unopened alcoholic beverages, the licensee may return  
2750 such alcoholic beverages to the vendor for a credit or  
2751 reimbursement. Regardless of the county or counties in which the  
2752 licensee operates, a licensee under this subparagraph shall pay  
2753 the annual state license tax set forth in s. 565.02(1)(b). A  
2754 licensee under this subparagraph must maintain for a period of 3  
2755 years all records required by the department by rule to  
2756 demonstrate compliance with the requirements of this  
2757 subparagraph, including licensed vendor receipts for the  
2758 purchase of alcoholic beverages and records identifying each  
2759 customer and the location and date of each catered event.  
2760 Notwithstanding any provision of law to the contrary, any vendor  
2761 licensed under s. 565.02(1) subject to the limitation imposed in  
2762 subsection (1), may, without any additional licensure under this  
2763 subparagraph, serve or sell alcoholic beverages for consumption  
2764 on the premises of a catered event at which prepared food is  
2765 provided by a caterer licensed under chapter 509. If a licensee  
2766 under this subparagraph also possesses any other license under  
2767 the Beverage Law, the license issued under this subparagraph  
2768 shall not authorize the holder to conduct activities on the  
2769 premises to which the other license or licenses apply that would  
2770 otherwise be prohibited by the terms of that license or the  
2771 Beverage Law. Nothing in this section shall permit the licensee  
2772 to conduct activities that are otherwise prohibited by the

2773 Beverage Law or local law. The Division of Alcoholic Beverages  
 2774 and Tobacco is hereby authorized to adopt rules to administer  
 2775 the license created in this subparagraph, to include rules  
 2776 governing licensure, recordkeeping, and enforcement. The first  
 2777 \$300,000 in fees collected by the division each fiscal year  
 2778 pursuant to this subparagraph shall be deposited in the  
 2779 Department of Children and Family Services' Operations and  
 2780 Maintenance Trust Fund to be used only for alcohol and drug  
 2781 abuse education, treatment, and prevention programs. The  
 2782 remainder of the fees collected shall be deposited into the  
 2783 Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

2784 6. Any destination resort licensed by the State Gaming  
 2785 Commission under chapter 551. Notwithstanding any other  
 2786 provision of law to the contrary, a licensee under this  
 2787 subparagraph may sell or serve alcoholic beverages only for  
 2788 consumption on the premises. A licensee under this subparagraph  
 2789 shall purchase all alcoholic beverages from a supplier licensed  
 2790 under s. 551.321 or s. 551.323. Regardless of the county or  
 2791 counties in which the licensee operates, a licensee under this  
 2792 subparagraph shall pay an annual state license tax of \$50,000,  
 2793 the proceeds of which shall be deposited into the Destination  
 2794 Resort Trust Fund of the Department of Gaming Control. This  
 2795 subparagraph expressly preempts the regulation of alcoholic  
 2796 beverages at destination resorts licensed by the State Gaming  
 2797 Commission to the state and supersedes any municipal or county  
 2798 ordinance on the subject. Notwithstanding any other law or local  
 2799 law or ordinance to the contrary, a licensee under this  
 2800 subparagraph may serve alcoholic beverages 24 hours per day,

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2801 every day of the year. This subparagraph does not permit the  
2802 licensee to conduct activities that are otherwise prohibited by  
2803 the Beverage Law. The State Gaming Commission shall adopt rules  
2804 to implement this subparagraph, including, but not limited to,  
2805 rules governing licensure, recordkeeping, and enforcement. A  
2806 licensee under this subparagraph must maintain for a period of 3  
2807 years all records required by the State Gaming Commission by  
2808 rule to demonstrate compliance with the requirements of this  
2809 subparagraph, including licensed supplier receipts for the  
2810 purchase of alcoholic beverages.

2811  
2812 However, any license heretofore issued to any such hotel, motel,  
2813 motor court, or restaurant or hereafter issued to any such  
2814 hotel, motel, or motor court, including a condominium  
2815 accommodation, under the general law shall not be moved to a new  
2816 location, such license being valid only on the premises of such  
2817 hotel, motel, motor court, or restaurant. Licenses issued to  
2818 hotels, motels, motor courts, or restaurants under the general  
2819 law and held by such hotels, motels, motor courts, or  
2820 restaurants on May 24, 1947, shall be counted in the quota  
2821 limitation contained in subsection (1). Any license issued for  
2822 any hotel, motel, or motor court under the provisions of this  
2823 law shall be issued only to the owner of the hotel, motel, or  
2824 motor court or, in the event the hotel, motel, or motor court is  
2825 leased, to the lessee of the hotel, motel, or motor court; and  
2826 the license shall remain in the name of the owner or lessee so  
2827 long as the license is in existence. Any special license now in  
2828 existence heretofore issued under the provisions of this law

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2829 cannot be renewed except in the name of the owner of the hotel,  
 2830 motel, motor court, or restaurant or, in the event the hotel,  
 2831 motel, motor court, or restaurant is leased, in the name of the  
 2832 lessee of the hotel, motel, motor court, or restaurant in which  
 2833 the license is located and must remain in the name of the owner  
 2834 or lessee so long as the license is in existence. Any license  
 2835 issued under this section shall be marked "Special," and nothing  
 2836 herein provided shall limit, restrict, or prevent the issuance  
 2837 of a special license for any restaurant or motel which shall  
 2838 hereafter meet the requirements of the law existing immediately  
 2839 prior to the effective date of this act, if construction of such  
 2840 restaurant has commenced prior to the effective date of this act  
 2841 and is completed within 30 days thereafter, or if an application  
 2842 is on file for such special license at the time this act takes  
 2843 effect; and any such licenses issued under this proviso may be  
 2844 annually renewed as now provided by law. Nothing herein prevents  
 2845 an application for transfer of a license to a bona fide  
 2846 purchaser of any hotel, motel, motor court, or restaurant by the  
 2847 purchaser of such facility or the transfer of such license  
 2848 pursuant to law.

2849 Section 40. Section 849.15, Florida Statutes, is amended  
 2850 to read:

2851 849.15 Manufacture, sale, possession, etc., of coin-  
 2852 operated devices prohibited.—

2853 (1) It is unlawful:

2854 (a) To manufacture, own, store, keep, possess, sell, rent,  
 2855 lease, let on shares, lend or give away, transport, or expose  
 2856 for sale or lease, or to offer to sell, rent, lease, let on

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2857 | shares, lend or give away, or permit the operation of, or for  
 2858 | any person to permit to be placed, maintained, or used or kept  
 2859 | in any room, space, or building owned, leased or occupied by the  
 2860 | person or under the person's management or control, any slot  
 2861 | machine or device or any part thereof; or

2862 |       (b) To make or to permit to be made with any person any  
 2863 | agreement with reference to any slot machine or device, pursuant  
 2864 | to which the user thereof, as a result of any element of chance  
 2865 | or other outcome unpredictable to him or her, may become  
 2866 | entitled to receive any money, credit, allowance, or thing of  
 2867 | value or additional chance or right to use such machine or  
 2868 | device, or to receive any check, slug, token or memorandum  
 2869 | entitling the holder to receive any money, credit, allowance or  
 2870 | thing of value.

2871 |       (2) Pursuant to section 2 of that chapter of the Congress  
 2872 | of the United States entitled "An act to prohibit transportation  
 2873 | of gaming devices in interstate and foreign commerce," approved  
 2874 | January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
 2875 | designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
 2876 | acting by and through the duly elected and qualified members of  
 2877 | its Legislature, does hereby in this section, and in accordance  
 2878 | with and in compliance with the provisions of section 2 of such  
 2879 | chapter of Congress, declare and proclaim that any county of the  
 2880 | State of Florida within which slot machine gaming is authorized  
 2881 | pursuant to chapter 551 is exempt from the provisions of section  
 2882 | 2 of that chapter of the Congress of the United States entitled  
 2883 | "An act to prohibit transportation of gaming devices in  
 2884 | interstate and foreign commerce," designated as 15 U.S.C. ss.

2885 1171-1177, approved January 2, 1951. All shipments of gaming  
 2886 devices, including slot machines, into any county of this state  
 2887 within which slot machine gaming is authorized pursuant to  
 2888 chapter 551 and the registering, recording, and labeling of  
 2889 which have been duly performed by the manufacturer or  
 2890 distributor thereof in accordance with sections 3 and 4 of that  
 2891 chapter of the Congress of the United States entitled "An act to  
 2892 prohibit transportation of gaming devices in interstate and  
 2893 foreign commerce," approved January 2, 1951, being ch. 1194, 64  
 2894 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,  
 2895 shall be deemed legal shipments thereof into this state provided  
 2896 the destination of such shipments is an eligible facility as  
 2897 defined in s. 551.102, ~~or~~ the facility of a slot machine  
 2898 manufacturer or slot machine distributor as provided in s.  
 2899 551.109(2) (a), or the facility of a resort licensee or supplier  
 2900 licensee under part III of chapter 551.

2901 (3) This section does not apply to slot machine licensees  
 2902 authorized under part II of chapter 551 or resort licensees as  
 2903 authorized under part III of chapter 551.

2904 Section 41. Section 849.231, Florida Statutes, is amended  
 2905 to read:

2906 849.231 Gambling devices; manufacture, sale, purchase or  
 2907 possession unlawful.—

2908 (1) Except in instances when the following described  
 2909 implements or apparatus are being held or transported by  
 2910 authorized persons for the purpose of destruction, as  
 2911 hereinafter provided, and except in instances when the following  
 2912 described instruments or apparatus are being held, sold,



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2913 transported, or manufactured by persons who have registered with  
 2914 the United States Government pursuant to the provisions of Title  
 2915 15 of the United States Code, ss. 1171 et seq., as amended, so  
 2916 long as the described implements or apparatus are not displayed  
 2917 to the general public, sold for use in Florida, or held or  
 2918 manufactured in contravention of the requirements of 15 U.S.C.  
 2919 ss. 1171 et seq., it shall be unlawful for any person to  
 2920 manufacture, sell, transport, offer for sale, purchase, own, or  
 2921 have in his or her possession any roulette wheel or table, faro  
 2922 layout, crap table or layout, chemin de fer table or layout,  
 2923 chuck-a-luck wheel, bird cage such as used for gambling, bolita  
 2924 balls, chips with house markings, or any other device,  
 2925 implement, apparatus, or paraphernalia ordinarily or commonly  
 2926 used or designed to be used in the operation of gambling houses  
 2927 or establishments, excepting ordinary dice and playing cards.

2928 (2) In addition to any other penalties provided for the  
 2929 violation of this section, any occupational license held by a  
 2930 person found guilty of violating this section shall be suspended  
 2931 for a period not to exceed 5 years.

2932 (3) This section and s. 849.05 do not apply to a vessel of  
 2933 foreign registry or a vessel operated under the authority of a  
 2934 country except the United States, while docked in this state or  
 2935 transiting in the territorial waters of this state.

2936 (4) This section does not apply to slot machine licensees  
 2937 authorized under part II of chapter 551 or resort licensees as  
 2938 authorized under part III of chapter 551.

2939 Section 42. Section 849.25, Florida Statutes, is amended  
 2940 to read:

2941 849.25 "Bookmaking" defined; penalties; exceptions.—

2942 (1) (a) The term "bookmaking" means the act of taking or  
 2943 receiving, while engaged in the business or profession of  
 2944 gambling, any bet or wager upon the result of any trial or  
 2945 contest of skill, speed, power, or endurance of human, beast,  
 2946 fowl, motor vehicle, or mechanical apparatus or upon the result  
 2947 of any chance, casualty, unknown, or contingent event  
 2948 whatsoever.

2949 (b) The following factors shall be considered in making a  
 2950 determination that a person has engaged in the offense of  
 2951 bookmaking:

2952 1. Taking advantage of betting odds created to produce a  
 2953 profit for the bookmaker or charging a percentage on accepted  
 2954 wagers.

2955 2. Placing all or part of accepted wagers with other  
 2956 bookmakers to reduce the chance of financial loss.

2957 3. Taking or receiving more than five wagers in any single  
 2958 day.

2959 4. Taking or receiving wagers totaling more than \$500 in  
 2960 any single day, or more than \$1,500 in any single week.

2961 5. Engaging in a common scheme with two or more persons to  
 2962 take or receive wagers.

2963 6. Taking or receiving wagers on both sides on a contest  
 2964 at the identical point spread.

2965 7. Any other factor relevant to establishing that the  
 2966 operating procedures of such person are commercial in nature.

2967 (c) The existence of any two factors listed in paragraph  
 2968 (b) may constitute prima facie evidence of a commercial

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2969 | bookmaking operation.

2970 |         (2) Any person who engages in bookmaking commits ~~shall be~~  
 2971 | ~~guilty of~~ a felony of the third degree, punishable as provided  
 2972 | in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the  
 2973 | provisions of s. 948.01, any person convicted under the  
 2974 | provisions of this subsection shall not have adjudication of  
 2975 | guilt suspended, deferred, or withheld.

2976 |         (3) Any person who has been convicted of bookmaking and  
 2977 | thereafter violates the provisions of this section commits ~~shall~~  
 2978 | ~~be guilty of~~ a felony of the second degree, punishable as  
 2979 | provided in s. 775.082, s. 775.083, or s. 775.084.  
 2980 | Notwithstanding the provisions of s. 948.01, any person  
 2981 | convicted under the provisions of this subsection shall not have  
 2982 | adjudication of guilt suspended, deferred, or withheld.

2983 |         (4) Notwithstanding the provisions of s. 777.04, any  
 2984 | person who is guilty of conspiracy to commit bookmaking is ~~shall~~  
 2985 | ~~be~~ subject to the penalties imposed by subsections (2) and (3).

2986 |         (5) This section does ~~shall~~ not apply to pari-mutuel  
 2987 | wagering in Florida as authorized under chapter 550.

2988 |         (6) This section does ~~shall~~ not apply to any prosecutions  
 2989 | filed and pending at the time of the passage hereof, but all  
 2990 | such cases shall be disposed of under existing laws at the time  
 2991 | of the institution of such prosecutions.

2992 |         (7) This section does not apply to slot machine licensees  
 2993 | authorized under part II of chapter 551 or resort licensees as  
 2994 | authorized under part III of chapter 551.

2995 |         Section 43. Section 849.48, Florida Statutes, is created  
 2996 | to read:

2997 849.48 Gambling operator, manufacturer, distributor  
 2998 licenses; application; qualifications; fees; renewal;  
 2999 duplicates.-

3000 (1) (a) Each person, firm, association, partnership, or  
 3001 corporate entity that seeks to operate a gambling business or to  
 3002 allow gambling to occur on its premises must obtain a license  
 3003 from the department. Any person, firm, association, partnership,  
 3004 or corporate entity owning, leasing, furnishing, manufacturing,  
 3005 distributing, or operating gambling devices must obtain a  
 3006 license from the Department of Gaming Control.

3007 (b) An application for a license must be made on a form  
 3008 adopted by rule of the department. The form must require the  
 3009 applicant to set forth the name under which the applicant  
 3010 transacts or intends to transact business, the address of the  
 3011 location of the applicant's place of business, and any other  
 3012 information the department requires. If the applicant has, or  
 3013 intends to have, more than one place of business where gambling  
 3014 will occur or gambling devices will be located, a separate  
 3015 application must be made for each place of business. If the  
 3016 applicant is a firm, association, partnership, or corporate  
 3017 entity, the application must set forth the names and addresses  
 3018 of the persons owning more than 5 percent of, or exercising any  
 3019 decisionmaking control over, the business. If the applicant is a  
 3020 corporate entity, the application must additionally set forth  
 3021 the names and addresses of the principal officers of the  
 3022 corporation. The application must also set forth any other  
 3023 information prescribed by the department for the purpose of  
 3024 identifying the applicant, its owners, or its decisionmaking

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3025 principals. The application must be signed and verified by oath  
3026 or affirmation by the owner. If the owner is a firm,  
3027 association, or partnership, the application must be signed by  
3028 the members or partners thereof, or, if the owner is a corporate  
3029 entity, by a decisionmaking principal authorized by the entity  
3030 to sign the application, together with the written evidence of  
3031 the principal's authority. The application must be accompanied  
3032 by the annual license fee prescribed by the department.

3033 (c) Licenses shall be issued annually, upon payment of the  
3034 annual license fee prescribed by the department. The department  
3035 shall fix the fee in an amount sufficient to meet the costs of  
3036 carrying out its licensing, enforcement, and administrative  
3037 responsibilities under this chapter, but the fee may not exceed  
3038 \$5,000. The proceeds of the fee shall be deposited into the  
3039 Destination Resort Trust Fund of the Department of Gaming  
3040 Control.

3041 (d) The holder of a license may renew the license each  
3042 year, on or before January 15, upon payment of the annual  
3043 license fee. A licensee that does not timely renew its license  
3044 must pay a delinquent renewal fee of \$500 for each month or  
3045 portion of a month occurring after expiration, and before  
3046 renewal, of the license.

3047 (e) The department may not grant an exemption from the  
3048 license fees prescribed in this subsection to any applicant.

3049 (f) The department shall establish a procedural rule that,  
3050 to the greatest extent possible, provides for the Department of  
3051 Law Enforcement to conduct background investigations for the  
3052 initial licensing and licensing renewals.

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3053 (2) (a) A license may be issued only to a person who is at  
 3054 least 18 years of age or to a corporation having officers who  
 3055 are at least 18 years of age.

3056 (b) The department may refuse to issue a license to:

3057 1. Any person, firm, association, partnership, or  
 3058 corporate entity whose license has been revoked by the  
 3059 department;

3060 2. Any corporation having an officer whose license has  
 3061 been revoked by the department; or

3062 3. Any person who is or has been an officer of a  
 3063 corporation whose license has been revoked by the department or  
 3064 who is or has been an officer of a corporation whose license  
 3065 relating to gambling activities has been revoked in another  
 3066 jurisdiction.

3067 (c) The department shall revoke any license issued to a  
 3068 firm, association, partnership, or corporate entity that is  
 3069 prohibited from licensure under this section.

3070 (3) Upon approval of an application for a license, the  
 3071 Department of Gaming Control shall issue to the applicant a  
 3072 license for the place of business or premises specified in the  
 3073 application. A license is not assignable and is valid only for  
 3074 the person in whose name the license is issued and for the place  
 3075 designated in the license. The licensee must be in possession of  
 3076 the license at all times while working at the location for which  
 3077 the license was issued and must display the license upon demand  
 3078 to any person.

3079 (4) If a license has been destroyed or lost, the licensee  
 3080 may apply to the Department of Gaming Control for the issuance

3081 of a duplicate license. The department shall issue a duplicate  
 3082 license upon payment of a \$150 fee, which the department shall  
 3083 deposit into the Destination Resort Trust Fund of the Department  
 3084 of Gaming Control.

3085 Section 44. Transfers.—

3086 (1) All of the statutory powers, duties and functions,  
 3087 records, personnel, property, and unexpended balances of  
 3088 appropriations, allocations, or other funds for the  
 3089 administration of chapter 550, Florida Statutes, are transferred  
 3090 intact by a type two transfer, as defined in s. 20.06(2),  
 3091 Florida Statutes, from the Division of Pari-mutuel Wagering of  
 3092 the Department of Business and Professional Regulation to the  
 3093 Division of Licensure of the Department of Gaming Control.

3094 (2) All of the statutory powers, duties and functions,  
 3095 records, personnel, property, and unexpended balances of  
 3096 appropriations, allocations, or other funds for the  
 3097 administration of chapter 551, Florida Statutes, are transferred  
 3098 by a type two transfer, as defined in s. 20.06(2), Florida  
 3099 Statutes, from the Division of Pari-mutuel Wagering of the  
 3100 Department of Business and Professional Regulation to the  
 3101 Division of Licensure of Department of Gaming Control.

3102 (3) All of the statutory powers, duties and functions,  
 3103 records, personnel, property, and unexpended balances of  
 3104 appropriations, allocations, or other funds for the  
 3105 administration of s. 849.086, Florida Statutes, are transferred  
 3106 by a type two transfer, as defined in s. 20.06(2), Florida  
 3107 Statutes, from the Division of Pari-mutuel Wagering of the  
 3108 Department of Business and Professional Regulation to the

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3109 Division of Licensure of Department of Gaming Control.  
 3110 (4) The following trust funds are transferred from the  
 3111 Division of Pari-mutuel Wagering of the Department of Business  
 3112 and Professional Regulation to the Division of Licensure of  
 3113 Department of Gaming Control:

- 3114 (a) Pari-mutuel Wagering Trust Fund.
- 3115 (b) Racing Scholarship Trust Fund.

3116 Section 45. Paragraph (f) of subsection (1), subsection  
 3117 (7), and paragraph (a) of subsection (13) of section 285.710,  
 3118 Florida Statutes, are amended to read:

3119 285.710 Compact authorization.—

3120 (1) As used in this section, the term:

3121 (f) "State compliance agency" means the Division of  
 3122 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming  
 3123 Control ~~Business and Professional Regulation~~ which is designated  
 3124 as the state agency having the authority to carry out the  
 3125 state's oversight responsibilities under the compact.

3126 (7) The Division of Licensure ~~Pari-mutuel Wagering~~ of the  
 3127 Department of Gaming Control ~~Business and Professional~~  
 3128 ~~Regulation~~ is designated as the state compliance agency having  
 3129 the authority to carry out the state's oversight  
 3130 responsibilities under the compact authorized by this section.

3131 (13) For the purpose of satisfying the requirement in 25  
 3132 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized  
 3133 under an Indian gaming compact must be permitted in the state  
 3134 for any purpose by any person, organization, or entity, the  
 3135 following class III games or other games specified in this  
 3136 section are hereby authorized to be conducted by the Tribe



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3137 pursuant to the compact:

3138 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

3139 Section 46. Subsections (6) and (7) of section 550.002,

3140 Florida Statutes, are amended to read:

3141 550.002 Definitions.—As used in this chapter, the term:

3142 (6) "Department" means the Department of Gaming Control

3143 ~~Business and Professional Regulation~~.

3144 (7) "Division" means the Division of Licensure ~~Pari-mutuel~~

3145 ~~Wagering~~ within the Department of Gaming Control ~~Business and~~

3146 ~~Professional Regulation~~.

3147 Section 47. Section 550.0251, Florida Statutes, is amended

3148 to read:

3149 550.0251 The powers and duties of the division ~~of Pari-~~

3150 ~~mutuel Wagering of the Department of Business and Professional~~

3151 ~~Regulation~~.—The division shall administer this chapter and

3152 regulate the pari-mutuel industry under this chapter and the

3153 rules adopted pursuant thereto, and:

3154 (1) The division shall make an annual report to the

3155 Governor showing its own actions, receipts derived under the

3156 provisions of this chapter, the practical effects of the

3157 application of this chapter, and any suggestions it may approve

3158 for the more effectual accomplishments of the purposes of this

3159 chapter.

3160 (2) The division shall require an oath on application

3161 documents as required by rule, which oath must state that the

3162 information contained in the document is true and complete.

3163 (3) The division shall adopt reasonable rules for the

3164 control, supervision, and direction of all applicants,

3165 | permittees, and licensees and for the holding, conducting, and  
 3166 | operating of all racetracks, race meets, and races held in this  
 3167 | state. Such rules must be uniform in their application and  
 3168 | effect, and the duty of exercising this control and power is  
 3169 | made mandatory upon the division.

3170 |         (4) The division may take testimony concerning any matter  
 3171 | within its jurisdiction and issue summons and subpoenas for any  
 3172 | witness and subpoenas duces tecum in connection with any matter  
 3173 | within the jurisdiction of the division under its seal and  
 3174 | signed by the director.

3175 |         (5) The division may adopt rules establishing procedures  
 3176 | for testing occupational licenseholders officiating at or  
 3177 | participating in any race or game at any pari-mutuel facility  
 3178 | under the jurisdiction of the division for a controlled  
 3179 | substance or alcohol and may prescribe procedural matters not in  
 3180 | conflict with s. 120.80(19) ~~120.80(4)(a)~~.

3181 |         (6) In addition to the power to exclude certain persons  
 3182 | from any pari-mutuel facility in this state, the division may  
 3183 | exclude any person from any and all pari-mutuel facilities in  
 3184 | this state for conduct that would constitute, if the person were  
 3185 | a licensee, a violation of this chapter or the rules of the  
 3186 | division. The division may exclude from any pari-mutuel facility  
 3187 | within this state any person who has been ejected from a pari-  
 3188 | mutuel facility in this state or who has been excluded from any  
 3189 | pari-mutuel facility in another state by the governmental  
 3190 | department, agency, commission, or authority exercising  
 3191 | regulatory jurisdiction over pari-mutuel facilities in such  
 3192 | other state. The division may authorize any person who has been

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3193 | ejected or excluded from pari-mutuel facilities in this state or  
 3194 | another state to attend the pari-mutuel facilities in this state  
 3195 | upon a finding that the attendance of such person at pari-mutuel  
 3196 | facilities would not be adverse to the public interest or to the  
 3197 | integrity of the sport or industry; however, this subsection  
 3198 | shall not be construed to abrogate the common-law right of a  
 3199 | pari-mutuel permitholder to exclude absolutely a patron in this  
 3200 | state.

3201 |         (7) The division may oversee the making of, and  
 3202 | distribution from, all pari-mutuel pools.

3203 |         (8) The department may collect taxes and require  
 3204 | compliance with reporting requirements for financial information  
 3205 | as authorized by this chapter. In addition, the secretary of the  
 3206 | department may require permitholders conducting pari-mutuel  
 3207 | operations within the state to remit taxes, including fees, by  
 3208 | electronic funds transfer if the taxes and fees amounted to  
 3209 | \$50,000 or more in the prior reporting year.

3210 |         (9) The division may conduct investigations in enforcing  
 3211 | this chapter, except that all information obtained pursuant to  
 3212 | an investigation by the division for an alleged violation of  
 3213 | this chapter or rules of the division is exempt from s.  
 3214 | 119.07(1) and from s. 24(a), Art. I of the State Constitution  
 3215 | until an administrative complaint is issued or the investigation  
 3216 | is closed or ceases to be active. This subsection does not  
 3217 | prohibit the division from providing such information to any law  
 3218 | enforcement agency or to any other regulatory agency. For the  
 3219 | purposes of this subsection, an investigation is considered to  
 3220 | be active while it is being conducted with reasonable dispatch

3221 and with a reasonable, good faith belief that it could lead to  
 3222 an administrative, civil, or criminal action by the division or  
 3223 another administrative or law enforcement agency. Except for  
 3224 active criminal intelligence or criminal investigative  
 3225 information, as defined in s. 119.011, and any other information  
 3226 that, if disclosed, would jeopardize the safety of an  
 3227 individual, all information, records, and transcriptions become  
 3228 public when the investigation is closed or ceases to be active.

3229 (10) The division may impose an administrative fine for a  
 3230 violation under this chapter of not more than \$1,000 for each  
 3231 count or separate offense, except as otherwise provided in this  
 3232 chapter, and may suspend or revoke a permit, a pari-mutuel  
 3233 license, or an occupational license for a violation under this  
 3234 chapter. All fines imposed and collected under this subsection  
 3235 must be deposited with the Chief Financial Officer to the credit  
 3236 of the General Revenue Fund.

3237 (11) The division shall supervise and regulate the welfare  
 3238 of racing animals at pari-mutuel facilities.

3239 (12) The division shall have full authority and power to  
 3240 make, adopt, amend, or repeal rules relating to cardroom  
 3241 operations, to enforce and to carry out the provisions of s.  
 3242 849.086, and to regulate the authorized cardroom activities in  
 3243 the state.

3244 (13) The division shall have the authority to suspend a  
 3245 permitholder's permit or license, if such permitholder is  
 3246 operating a cardroom facility and such permitholder's cardroom  
 3247 license has been suspended or revoked pursuant to s. 849.086.

3248 Section 48. Paragraph (f) of subsection (2) of section

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3249 550.09514, Florida Statutes, is amended to read:

3250 550.09514 Greyhound dogracing taxes; purse requirements.-

3251 (2)

3252 (f) Each greyhound permitholder shall, during the  
 3253 permitholder's race meet, supply kennel operators and the  
 3254 Division of Licensure ~~Pari-Mutuel Wagering~~ with a weekly report  
 3255 showing purses paid on live greyhound races and all greyhound  
 3256 intertrack and simulcast broadcasts, including both as a guest  
 3257 and a host together with the handle or commission calculations  
 3258 on which such purses were paid and the transmission costs of  
 3259 sending the simulcast or intertrack broadcasts, so that the  
 3260 kennel operators may determine statutory and contractual  
 3261 compliance.

3262 Section 49. Subsection (1) of section 550.135, Florida  
 3263 Statutes, is amended to read:

3264 550.135 Division of moneys derived under this law.-All  
 3265 moneys that are deposited with the Chief Financial Officer to  
 3266 the credit of the Pari-mutuel Wagering Trust Fund shall be  
 3267 distributed as follows:

3268 (1) The daily license fee revenues collected pursuant to  
 3269 s. 550.0951(1) shall be used to fund the operating cost of the  
 3270 division and to provide a proportionate share of the operation  
 3271 of the office of the secretary and the Division of  
 3272 Administration of the department ~~of Business and Professional~~  
 3273 ~~Regulation~~; however, other collections in the Pari-mutuel  
 3274 Wagering Trust Fund may also be used to fund the operation of  
 3275 the division in accordance with authorized appropriations.

3276 Section 50. Subsection (4) of section 550.24055, Florida

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3277 Statutes, is amended to read:

3278       550.24055 Use of controlled substances or alcohol  
3279 prohibited; testing of certain occupational licensees; penalty;  
3280 evidence of test or action taken and admissibility for criminal  
3281 prosecution limited.—

3282       (4) The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to  
3283 all actions taken by the stewards, judges, or board of judges  
3284 pursuant to this section without regard to the limitation  
3285 contained therein.

3286       Section 51. Subsection (15) of section 550.2415, Florida  
3287 Statutes, is amended to read:

3288       550.2415 Racing of animals under certain conditions  
3289 prohibited; penalties; exceptions.—

3290       (15) The division may implement by rule medication levels  
3291 recommended by the University of Florida College of Veterinary  
3292 Medicine developed pursuant to an agreement between the division  
3293 ~~of Pari-mutuel Wagering~~ and the University of Florida College of  
3294 Veterinary Medicine. The University of Florida College of  
3295 Veterinary Medicine may provide written notification to the  
3296 division that it has completed research or review on a  
3297 particular drug pursuant to the agreement and when the College  
3298 of Veterinary Medicine has completed a final report of its  
3299 findings, conclusions, and recommendations to the division.

3300       Section 52. Paragraph (j) of subsection (3) of section  
3301 550.2625, Florida Statutes, is amended to read:

3302       550.2625 Horseracing; minimum purse requirement, Florida  
3303 breeders' and owners' awards.—

3304       (3) Each horseracing permitholder conducting any

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3305 | thoroughbred race under this chapter, including any intertrack  
 3306 | race taken pursuant to ss. 550.615-550.6305 or any interstate  
 3307 | simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal  
 3308 | to 0.955 percent on all pari-mutuel pools conducted during any  
 3309 | such race for the payment of breeders', stallion, or special  
 3310 | racing awards as authorized in this chapter. This subsection  
 3311 | also applies to all Breeder's Cup races conducted outside this  
 3312 | state taken pursuant to s. 550.3551(3). On any race originating  
 3313 | live in this state which is broadcast out-of-state to any  
 3314 | location at which wagers are accepted pursuant to s.  
 3315 | 550.3551(2), the host track is required to pay 3.475 percent of  
 3316 | the gross revenue derived from such out-of-state broadcasts as  
 3317 | breeders', stallion, or special racing awards. The Florida  
 3318 | Thoroughbred Breeders' Association is authorized to receive  
 3319 | these payments from the permitholders and make payments of  
 3320 | awards earned. The Florida Thoroughbred Breeders' Association  
 3321 | has the right to withhold up to 10 percent of the permitholder's  
 3322 | payments under this section as a fee for administering the  
 3323 | payments of awards and for general promotion of the industry.  
 3324 | The permitholder shall remit these payments to the Florida  
 3325 | Thoroughbred Breeders' Association by the 5th day of each  
 3326 | calendar month for such sums accruing during the preceding  
 3327 | calendar month and shall report such payments to the division as  
 3328 | prescribed by the division. With the exception of the 10-percent  
 3329 | fee, the moneys paid by the permitholders shall be maintained in  
 3330 | a separate, interest-bearing account, and such payments together  
 3331 | with any interest earned shall be used exclusively for the  
 3332 | payment of breeders', stallion, or special racing awards in

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3333 accordance with the following provisions:

3334 (j) If the division finds that the Florida Thoroughbred  
 3335 Breeders' Association has not complied with any provision of  
 3336 this section, the division may order the association to cease  
 3337 and desist from receiving funds and administering funds received  
 3338 under this section. If the division enters such an order, the  
 3339 permitholder shall make the payments authorized in this section  
 3340 to the division for deposit into the Pari-mutuel Wagering Trust  
 3341 Fund; and any funds in the Florida Thoroughbred Breeders'  
 3342 Association account shall be immediately paid to the division ~~of~~  
 3343 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering  
 3344 Trust Fund. The division shall authorize payment from these  
 3345 funds to any breeder or stallion owner entitled to an award that  
 3346 has not been previously paid by the Florida Thoroughbred  
 3347 Breeders' Association in accordance with the applicable rate.

3348 Section 53. Subsection (1) of section 550.2704, Florida  
 3349 Statutes, is amended to read:

3350 550.2704 Jai Alai Tournament of Champions Meet.—

3351 (1) Notwithstanding any provision of this chapter, there  
 3352 is hereby created a special jai alai meet which shall be  
 3353 designated as the "Jai Alai Tournament of Champions Meet" and  
 3354 which shall be hosted by the Florida jai alai permitholders  
 3355 selected by the National Association of Jai Alai Frontons, Inc.,  
 3356 to conduct such meet. The meet shall consist of three qualifying  
 3357 performances and a final performance, each of which is to be  
 3358 conducted on different days. Upon the selection of the Florida  
 3359 permitholders for the meet, and upon application by the selected  
 3360 permitholders, the division ~~of Pari-mutuel Wagering~~ shall issue



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3361 a license to each of the selected permitholders to operate the  
 3362 meet. The meet may be conducted during a season in which the  
 3363 permitholders selected to conduct the meet are not otherwise  
 3364 authorized to conduct a meet. Notwithstanding anything herein to  
 3365 the contrary, any Florida permitholder who is to conduct a  
 3366 performance which is a part of the Jai Alai Tournament of  
 3367 Champions Meet shall not be required to apply for the license  
 3368 for said meet if it is to be run during the regular season for  
 3369 which such permitholder has a license.

3370 Section 54. Subsection (3) of section 550.902, Florida  
 3371 Statutes, is amended to read:

3372 550.902 Purposes.—The purposes of this compact are to:

3373 (3) Authorize the department ~~of Business and Professional~~  
 3374 ~~Regulation~~ to participate in this compact.

3375 Section 55. Subsection (1) of section 550.907, Florida  
 3376 Statutes, is amended to read:

3377 550.907 Compact committee.—

3378 (1) There is created an interstate governmental entity to  
 3379 be known as the "compact committee," which shall be composed of  
 3380 one official from the racing commission, or the equivalent  
 3381 thereof, in each party state who shall be appointed, serve, and  
 3382 be subject to removal in accordance with the laws of the party  
 3383 state that she or he represents. The official from Florida shall  
 3384 be appointed by the State Gaming Commission ~~Secretary of~~  
 3385 ~~Business and Professional Regulation~~. Pursuant to the laws of  
 3386 her or his party state, each official shall have the assistance  
 3387 of her or his state's racing commission, or the equivalent  
 3388 thereof, in considering issues related to licensing of

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3389 participants in pari-mutuel wagering and in fulfilling her or  
3390 his responsibilities as the representative from her or his state  
3391 to the compact committee.

3392 Section 56. Section 551.101, Florida Statutes, is amended  
3393 to read:

3394 551.101 Slot machine gaming authorized.—Any licensed pari-  
3395 mutuel facility located in Miami-Dade County or Broward County  
3396 existing at the time of adoption of s. 23, Art. X of the State  
3397 Constitution that has conducted live racing or games during  
3398 calendar years 2002 and 2003 may possess slot machines and  
3399 conduct slot machine gaming at the location where the pari-  
3400 mutuel permitholder is authorized to conduct pari-mutuel  
3401 wagering activities pursuant to such permitholder's valid pari-  
3402 mutuel permit provided that a majority of voters in a countywide  
3403 referendum have approved slot machines at such facility in the  
3404 respective county. Notwithstanding any other provision of law,  
3405 it is not a crime for a person to participate in slot machine  
3406 gaming at a pari-mutuel facility licensed to possess slot  
3407 machines and conduct slot machine gaming or to participate in  
3408 slot machine gaming described in this part ~~chapter~~.

3409 Section 57. Section 551.102, Florida Statutes, is amended  
3410 to read:

3411 551.102 Definitions.—As used in this part ~~chapter~~, the  
3412 term:

3413 (1) "Distributor" means any person who sells, leases, or  
3414 offers or otherwise provides, distributes, or services any slot  
3415 machine or associated equipment for use or play of slot machines  
3416 in this state. A manufacturer may be a distributor within the

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3417 state.

3418 (2) "Designated slot machine gaming area" means the area  
3419 or areas of a facility of a slot machine licensee in which slot  
3420 machine gaming may be conducted in accordance with the  
3421 provisions of this part ~~chapter~~.

3422 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~  
3423 ~~of the Department of Business and Professional Regulation.~~

3424 (3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel  
3425 facility located in Miami-Dade County or Broward County existing  
3426 at the time of adoption of s. 23, Art. X of the State  
3427 Constitution that has conducted live racing or games during  
3428 calendar years 2002 and 2003 and has been approved by a majority  
3429 of voters in a countywide referendum to have slot machines at  
3430 such facility in the respective county; any licensed pari-mutuel  
3431 facility located within a county as defined in s. 125.011,  
3432 provided such facility has conducted live racing or games for 2  
3433 consecutive calendar years immediately preceding its application  
3434 for a slot machine license, pays the required license fee, and  
3435 meets the other requirements of this part ~~chapter~~; or any  
3436 licensed pari-mutuel facility in any other county in which a  
3437 majority of voters have approved slot machines at such  
3438 facilities in a countywide referendum held pursuant to a  
3439 statutory or constitutional authorization after the effective  
3440 date of this section in the respective county, provided such  
3441 facility has conducted a full schedule of live racing for 2  
3442 consecutive calendar years immediately preceding its application  
3443 for a slot machine license, pays the required licensed fee, and  
3444 meets the other requirements of this part ~~chapter~~.

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3445        (4)~~(5)~~ "Manufacturer" means any person who manufactures,  
3446 builds, rebuilds, fabricates, assembles, produces, programs,  
3447 designs, or otherwise makes modifications to any slot machine or  
3448 associated equipment for use or play of slot machines in this  
3449 state for gaming purposes. A manufacturer may be a distributor  
3450 within the state.

3451        (5)~~(6)~~ "Nonredeemable credits" means slot machine  
3452 operating credits that cannot be redeemed for cash or any other  
3453 thing of value by a slot machine, kiosk, or the slot machine  
3454 licensee and that are provided free of charge to patrons. Such  
3455 credits do not constitute "nonredeemable credits" until such  
3456 time as they are metered as credit into a slot machine and  
3457 recorded in the facility-based monitoring system.

3458        (6)~~(7)~~ "Progressive system" means a computerized system  
3459 linking slot machines in one or more licensed facilities within  
3460 this state or other jurisdictions and offering one or more  
3461 common progressive payouts based on the amounts wagered.

3462        (7)~~(8)~~ "Slot machine" means any mechanical or electrical  
3463 contrivance, terminal that may or may not be capable of  
3464 downloading slot games from a central server system, machine, or  
3465 other device that, upon insertion of a coin, bill, ticket,  
3466 token, or similar object or upon payment of any consideration  
3467 whatsoever, including the use of any electronic payment system  
3468 except a credit card or debit card, is available to play or  
3469 operate, the play or operation of which, whether by reason of  
3470 skill or application of the element of chance or both, may  
3471 deliver or entitle the person or persons playing or operating  
3472 the contrivance, terminal, machine, or other device to receive

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3473 cash, billets, tickets, tokens, or electronic credits to be  
3474 exchanged for cash or to receive merchandise or anything of  
3475 value whatsoever, whether the payoff is made automatically from  
3476 the machine or manually. The term includes associated equipment  
3477 necessary to conduct the operation of the contrivance, terminal,  
3478 machine, or other device. Slot machines may use spinning reels,  
3479 video displays, or both. A slot machine is not a "coin-operated  
3480 amusement machine" as defined in s. 212.02(24) or an amusement  
3481 game or machine as described in s. 849.161, and slot machines  
3482 are not subject to the tax imposed by s. 212.05(1)(h).

3483 (8)~~(9)~~ "Slot machine facility" means a facility at which  
3484 slot machines as defined in this part ~~chapter~~ are lawfully  
3485 offered for play.

3486 (9)~~(10)~~ "Slot machine license" means a license issued by  
3487 the division authorizing a pari-mutuel permitholder to place and  
3488 operate slot machines as provided by s. 23, Art. X of the State  
3489 Constitution, the provisions of this part ~~chapter~~, and division  
3490 rules.

3491 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel  
3492 permitholder who holds a license issued by the division pursuant  
3493 to this part ~~chapter~~ that authorizes such person to possess a  
3494 slot machine within facilities specified in s. 23, Art. X of the  
3495 State Constitution and allows slot machine gaming.

3496 (11)~~(12)~~ "Slot machine operator" means a person employed  
3497 or contracted by the owner of a licensed facility to conduct  
3498 slot machine gaming at that licensed facility.

3499 (12)~~(13)~~ "Slot machine revenues" means the total of all  
3500 cash and property, except nonredeemable credits, received by the

3501 slot machine licensee from the operation of slot machines less  
 3502 the amount of cash, cash equivalents, credits, and prizes paid  
 3503 to winners of slot machine gaming.

3504 Section 58. Subsections (1), (2), and (3) and paragraph  
 3505 (b) of subsection (4) of section 551.103, Florida Statutes, are  
 3506 amended to read:

3507 551.103 Powers and duties of the division and law  
 3508 enforcement.—

3509 (1) The division shall adopt, pursuant to the provisions  
 3510 of ss. 120.536(1) and 120.54, all rules necessary to implement,  
 3511 administer, and regulate slot machine gaming as authorized in  
 3512 this part ~~chapter~~. Such rules must include:

3513 (a) Procedures for applying for a slot machine license and  
 3514 renewal of a slot machine license.

3515 (b) Technical requirements and the qualifications  
 3516 contained in this part ~~chapter~~ that are necessary to receive a  
 3517 slot machine license or slot machine occupational license.

3518 (c) Procedures to scientifically test and technically  
 3519 evaluate slot machines for compliance with this part ~~chapter~~.  
 3520 The division may contract with an independent testing laboratory  
 3521 to conduct any necessary testing under this section. The  
 3522 independent testing laboratory must have a national reputation  
 3523 which is demonstrably competent and qualified to scientifically  
 3524 test and evaluate slot machines for compliance with this part  
 3525 ~~chapter~~ and to otherwise perform the functions assigned to it in  
 3526 this part ~~chapter~~. An independent testing laboratory shall not  
 3527 be owned or controlled by a licensee. The use of an independent  
 3528 testing laboratory for any purpose related to the conduct of

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3529 slot machine gaming by a licensee under this part ~~chapter~~ shall  
 3530 be made from a list of one or more laboratories approved by the  
 3531 division.

3532 (d) Procedures relating to slot machine revenues,  
 3533 including verifying and accounting for such revenues, auditing,  
 3534 and collecting taxes and fees consistent with this part ~~chapter~~.

3535 (e) Procedures for regulating, managing, and auditing the  
 3536 operation, financial data, and program information relating to  
 3537 slot machine gaming that allow the division and the Department  
 3538 of Law Enforcement to audit the operation, financial data, and  
 3539 program information of a slot machine licensee, as required by  
 3540 the division or the Department of Law Enforcement, and provide  
 3541 the division and the Department of Law Enforcement with the  
 3542 ability to monitor, at any time on a real-time basis, wagering  
 3543 patterns, payouts, tax collection, and compliance with any rules  
 3544 adopted by the division for the regulation and control of slot  
 3545 machines operated under this part ~~chapter~~. Such continuous and  
 3546 complete access, at any time on a real-time basis, shall include  
 3547 the ability of either the division or the Department of Law  
 3548 Enforcement to suspend play immediately on particular slot  
 3549 machines if monitoring of the facilities-based computer system  
 3550 indicates possible tampering or manipulation of those slot  
 3551 machines or the ability to suspend play immediately of the  
 3552 entire operation if the tampering or manipulation is of the  
 3553 computer system itself. The division shall notify the Department  
 3554 of Law Enforcement or the Department of Law Enforcement shall  
 3555 notify the division, as appropriate, whenever there is a  
 3556 suspension of play under this paragraph. The division and the

3557 Department of Law Enforcement shall exchange such information  
 3558 necessary for and cooperate in the investigation of the  
 3559 circumstances requiring suspension of play under this paragraph.

3560 (f) Procedures for requiring each licensee at his or her  
 3561 own cost and expense to supply the division with a bond having  
 3562 the penal sum of \$2 million payable to the Governor and his or  
 3563 her successors in office for each year of the licensee's slot  
 3564 machine operations. Any bond shall be issued by a surety or  
 3565 sureties approved by the division and the Chief Financial  
 3566 Officer, conditioned to faithfully make the payments to the  
 3567 Chief Financial Officer in his or her capacity as treasurer of  
 3568 the division. The licensee shall be required to keep its books  
 3569 and records and make reports as provided in this part ~~chapter~~  
 3570 and to conduct its slot machine operations in conformity with  
 3571 this part ~~chapter~~ and all other provisions of law. Such bond  
 3572 shall be separate and distinct from the bond required in s.  
 3573 550.125.

3574 (g) Procedures for requiring licensees to maintain  
 3575 specified records and submit any data, information, record, or  
 3576 report, including financial and income records, required by this  
 3577 part ~~chapter~~ or determined by the division to be necessary to  
 3578 the proper implementation and enforcement of this part ~~chapter~~.

3579 (h) A requirement that the payout percentage of a slot  
 3580 machine be no less than 85 percent.

3581 (i) Minimum standards for security of the facilities,  
 3582 including floor plans, security cameras, and other security  
 3583 equipment.

3584 (j) Procedures for requiring slot machine licensees to



3585 implement and establish drug-testing programs for all slot  
 3586 machine occupational licensees.

3587 (2) The division shall conduct such investigations  
 3588 necessary to fulfill its responsibilities under the provisions  
 3589 of this part ~~chapter~~.

3590 (3) The Department of Law Enforcement and local law  
 3591 enforcement agencies shall have concurrent jurisdiction to  
 3592 investigate criminal violations of this part ~~chapter~~ and may  
 3593 investigate any other criminal violation of law occurring at the  
 3594 facilities of a slot machine licensee, and such investigations  
 3595 may be conducted in conjunction with the appropriate state  
 3596 attorney.

3597 (4)

3598 (b) In addition, the division may:

- 3599 1. Collect taxes, assessments, fees, and penalties.
- 3600 2. Deny, revoke, suspend, or place conditions on the  
 3601 license of a person who violates any provision of this part  
 3602 ~~chapter~~ or rule adopted pursuant thereto.

3603 Section 59. Subsection (1), paragraph (a) of subsection  
 3604 (4), subsections (6) and (8), and paragraph (d) of subsection  
 3605 (10) of section 551.104, Florida Statutes, are amended to read:

3606 551.104 License to conduct slot machine gaming.—

3607 (1) Upon application and a finding by the division after  
 3608 investigation that the application is complete and the applicant  
 3609 is qualified and payment of the initial license fee, the  
 3610 division may issue a license to conduct slot machine gaming in  
 3611 the designated slot machine gaming area of the eligible  
 3612 facility. Once licensed, slot machine gaming may be conducted

3613 | subject to the requirements of this part ~~chapter~~ and rules  
 3614 | adopted pursuant thereto.

3615 |         (4) As a condition of licensure and to maintain continued  
 3616 | authority for the conduct of slot machine gaming, the slot  
 3617 | machine licensee shall:

3618 |             (a) Continue to be in compliance with this part ~~chapter~~.

3619 |             (6) A slot machine licensee shall keep and maintain  
 3620 | permanent daily records of its slot machine operation and shall  
 3621 | maintain such records for a period of not less than 5 years.  
 3622 | These records must include all financial transactions and  
 3623 | contain sufficient detail to determine compliance with the  
 3624 | requirements of this part ~~chapter~~. All records shall be  
 3625 | available for audit and inspection by the division, the  
 3626 | Department of Law Enforcement, or other law enforcement agencies  
 3627 | during the licensee's regular business hours.

3628 |             (8) A slot machine licensee shall file with the division  
 3629 | an audit of the receipt and distribution of all slot machine  
 3630 | revenues provided by an independent certified public accountant  
 3631 | verifying compliance with all financial and auditing provisions  
 3632 | of this part ~~chapter~~ and the associated rules adopted under this  
 3633 | part ~~chapter~~. The audit must include verification of compliance  
 3634 | with all statutes and rules regarding all required records of  
 3635 | slot machine operations. Such audit shall be filed within 60  
 3636 | days after the completion of the permitholder's pari-mutuel  
 3637 | meet.

3638 |             (10)

3639 |             (d) If any provision of this subsection or its application  
 3640 | to any person or circumstance is held invalid, the invalidity

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3641 does not affect other provisions or applications of this  
 3642 subsection or part ~~chapter~~ which can be given effect without the  
 3643 invalid provision or application, and to this end the provisions  
 3644 of this subsection are severable.

3645 Section 60. Paragraph (a) of subsection (1) and subsection  
 3646 (4) of section 551.106, Florida Statutes, are amended to read:

3647 551.106 License fee; tax rate; penalties.—

3648 (1) LICENSE FEE.—

3649 (a) Upon submission of the initial application for a slot  
 3650 machine license and annually thereafter, on the anniversary date  
 3651 of the issuance of the initial license, the licensee must pay to  
 3652 the division a nonrefundable license fee of \$3 million for the  
 3653 succeeding 12 months of licensure. In the 2010-2011 fiscal year,  
 3654 the licensee must pay the division a nonrefundable license fee  
 3655 of \$2.5 million for the succeeding 12 months of licensure. In  
 3656 the 2011-2012 fiscal year and for every fiscal year thereafter,  
 3657 the licensee must pay the division a nonrefundable license fee  
 3658 of \$2 million for the succeeding 12 months of licensure. The  
 3659 license fee shall be deposited into the Pari-mutuel Wagering  
 3660 Trust Fund ~~of the Department of Business and Professional~~  
 3661 ~~Regulation~~ to be used by the division and the Department of Law  
 3662 Enforcement for investigations, regulation of slot machine  
 3663 gaming, and enforcement of slot machine gaming provisions under  
 3664 this part ~~chapter~~. These payments shall be accounted for  
 3665 separately from taxes or fees paid pursuant to the provisions of  
 3666 chapter 550.

3667 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who  
 3668 fails to make tax payments as required under this section is

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3669 subject to an administrative penalty of up to \$10,000 for each  
 3670 day the tax payment is not remitted. All administrative  
 3671 penalties imposed and collected shall be deposited into the  
 3672 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~  
 3673 ~~and Professional Regulation~~. If any slot machine licensee fails  
 3674 to pay penalties imposed by order of the division under this  
 3675 subsection, the division may suspend, revoke, or refuse to renew  
 3676 the license of the slot machine licensee.

3677 Section 61. Subsection (1), paragraph (d) of subsection  
 3678 (4), paragraph (a) of subsection (6), and subsection (11) of  
 3679 section 551.107, Florida Statutes, are amended to read:

3680 551.107 Slot machine occupational license; findings;  
 3681 application; fee.—

3682 (1) The Legislature finds that individuals and entities  
 3683 that are licensed under this section require heightened state  
 3684 scrutiny, including the submission by the individual licensees  
 3685 or persons associated with the entities described in this part  
 3686 ~~chapter~~ of fingerprints for a criminal history record check.

3687 (4)

3688 (d) The slot machine occupational license fee for initial  
 3689 application and annual renewal shall be determined by rule of  
 3690 the division but may not exceed \$50 for a general or  
 3691 professional occupational license for an employee of the slot  
 3692 machine licensee or \$1,000 for a business occupational license  
 3693 for nonemployees of the licensee providing goods or services to  
 3694 the slot machine licensee. License fees for general occupational  
 3695 licensees shall be paid by the slot machine licensee. Failure to  
 3696 pay the required fee constitutes grounds for disciplinary action

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3697 by the division against the slot machine licensee, but it is not  
 3698 a violation of this part ~~chapter~~ or rules of the division by the  
 3699 general occupational licensee and does not prohibit the initial  
 3700 issuance or the renewal of the general occupational license.

3701 (6) (a) The division may deny, suspend, revoke, or refuse  
 3702 to renew any slot machine occupational license if the applicant  
 3703 for such license or the licensee has violated the provisions of  
 3704 this part ~~chapter~~ or the rules of the division governing the  
 3705 conduct of persons connected with slot machine gaming. In  
 3706 addition, the division may deny, suspend, revoke, or refuse to  
 3707 renew any slot machine occupational license if the applicant for  
 3708 such license or the licensee has been convicted in this state,  
 3709 in any other state, or under the laws of the United States of a  
 3710 capital felony, a felony, or an offense in any other state that  
 3711 would be a felony under the laws of this state involving arson;  
 3712 trafficking in, conspiracy to traffic in, smuggling, importing,  
 3713 conspiracy to smuggle or import, or delivery, sale, or  
 3714 distribution of a controlled substance; racketeering; or a crime  
 3715 involving a lack of good moral character, or has had a gaming  
 3716 license revoked by this state or any other jurisdiction for any  
 3717 gaming-related offense.

3718 (11) The division may impose a civil fine of up to \$5,000  
 3719 for each violation of this part ~~chapter~~ or the rules of the  
 3720 division in addition to or in lieu of any other penalty provided  
 3721 for in this section. The division may adopt a penalty schedule  
 3722 for violations of this part ~~chapter~~ or any rule adopted pursuant  
 3723 to this part ~~chapter~~ for which it would impose a fine in lieu of  
 3724 a suspension and adopt rules allowing for the issuance of

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3725 citations, including procedures to address such citations, to  
 3726 persons who violate such rules. In addition to any other penalty  
 3727 provided by law, the division may exclude from all licensed slot  
 3728 machine facilities in this state, for a period not to exceed the  
 3729 period of suspension, revocation, or ineligibility, any person  
 3730 whose occupational license application has been declared  
 3731 ineligible to hold an occupational license or whose occupational  
 3732 license has been suspended or revoked by the division.

3733 Section 62. Subsection (2) of section 551.108, Florida  
 3734 Statutes, is amended to read:

3735 551.108 Prohibited relationships.—

3736 (2) A manufacturer or distributor of slot machines may not  
 3737 enter into any contract with a slot machine licensee that  
 3738 provides for any revenue sharing of any kind or nature that is  
 3739 directly or indirectly calculated on the basis of a percentage  
 3740 of slot machine revenues. Any maneuver, shift, or device whereby  
 3741 this subsection is violated is a violation of this part ~~chapter~~  
 3742 and renders any such agreement void.

3743 Section 63. Subsections (1), (2), and (7) of section  
 3744 551.109, Florida Statutes, are amended to read:

3745 551.109 Prohibited acts; penalties.—

3746 (1) Except as otherwise provided by law and in addition to  
 3747 any other penalty, any person who knowingly makes or causes to  
 3748 be made, or aids, assists, or procures another to make, a false  
 3749 statement in any report, disclosure, application, or any other  
 3750 document required under this part ~~chapter~~ or any rule adopted  
 3751 under this part ~~chapter~~ is subject to an administrative fine or  
 3752 civil penalty of up to \$10,000.

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3753 (2) Except as otherwise provided by law and in addition to  
 3754 any other penalty, any person who possesses a slot machine  
 3755 without the license required by this part ~~chapter~~ or who  
 3756 possesses a slot machine at any location other than at the slot  
 3757 machine licensee's facility is subject to an administrative fine  
 3758 or civil penalty of up to \$10,000 per machine. The prohibition  
 3759 in this subsection does not apply to:

3760 (a) Slot machine manufacturers or slot machine  
 3761 distributors that hold appropriate licenses issued by the  
 3762 division who are authorized to maintain a slot machine storage  
 3763 and maintenance facility at any location in a county in which  
 3764 slot machine gaming is authorized by this part ~~chapter~~. The  
 3765 division may adopt rules regarding security and access to the  
 3766 storage facility and inspections by the division.

3767 (b) Certified educational facilities that are authorized  
 3768 to maintain slot machines for the sole purpose of education and  
 3769 licensure, if any, of slot machine technicians, inspectors, or  
 3770 investigators. The division and the Department of Law  
 3771 Enforcement may possess slot machines for training and testing  
 3772 purposes. The division may adopt rules regarding the regulation  
 3773 of any such slot machines used for educational, training, or  
 3774 testing purposes.

3775 (7) All penalties imposed and collected under this section  
 3776 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~  
 3777 ~~the Department of Business and Professional Regulation.~~

3778 Section 64. Section 551.111, Florida Statutes, is amended  
 3779 to read:

3780 551.111 Legal devices.—Notwithstanding any provision of

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3781 law to the contrary, a slot machine manufactured, sold,  
 3782 distributed, possessed, or operated according to the provisions  
 3783 of this part ~~chapter~~ is not unlawful.

3784 Section 65. Section 551.112, Florida Statutes, is amended  
 3785 to read:

3786 551.112 Exclusions of certain persons.—In addition to the  
 3787 power to exclude certain persons from any facility of a slot  
 3788 machine licensee in this state, the division may exclude any  
 3789 person from any facility of a slot machine licensee in this  
 3790 state for conduct that would constitute, if the person were a  
 3791 licensee, a violation of this part ~~chapter~~ or the rules of the  
 3792 division. The division may exclude from any facility of a slot  
 3793 machine licensee any person who has been ejected from a facility  
 3794 of a slot machine licensee in this state or who has been  
 3795 excluded from any facility of a slot machine licensee or gaming  
 3796 facility in another state by the governmental department,  
 3797 agency, commission, or authority exercising regulatory  
 3798 jurisdiction over the gaming in such other state. This section  
 3799 does not abrogate the common law right of a slot machine  
 3800 licensee to exclude a patron absolutely in this state.

3801 Section 66. Section 551.117, Florida Statutes, is amended  
 3802 to read:

3803 551.117 Penalties.—The division may revoke or suspend any  
 3804 slot machine license issued under this part ~~chapter~~ upon the  
 3805 willful violation by the slot machine licensee of any provision  
 3806 of this part ~~chapter~~ or of any rule adopted under this part  
 3807 ~~chapter~~. In lieu of suspending or revoking a slot machine  
 3808 license, the division may impose a civil penalty against the



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3809 slot machine licensee for a violation of this part ~~chapter~~ or  
 3810 any rule adopted by the division. Except as otherwise provided  
 3811 in this part ~~chapter~~, the penalty so imposed may not exceed  
 3812 \$100,000 for each count or separate offense. All penalties  
 3813 imposed and collected must be deposited into the Pari-mutuel  
 3814 Wagering Trust Fund ~~of the Department of Business and~~  
 3815 ~~Professional Regulation.~~

3816 Section 67. Section 551.119, Florida Statutes, is amended  
 3817 to read:

3818 551.119 Caterer's license.—A slot machine licensee is  
 3819 entitled to a caterer's license pursuant to s. 565.02 on days on  
 3820 which the pari-mutuel facility is open to the public for slot  
 3821 machine game play as authorized by this part ~~chapter~~.

3822 Section 68. Section 551.122, Florida Statutes, is amended  
 3823 to read:

3824 551.122 Rulemaking.—The division may adopt rules pursuant  
 3825 to ss. 120.536(1) and 120.54 to administer the provisions of  
 3826 this part ~~chapter~~.

3827 Section 69. Section 551.123, Florida Statutes, is amended  
 3828 to read:

3829 551.123 Legislative authority; administration of part  
 3830 ~~chapter~~.—The Legislature finds and declares that it has  
 3831 exclusive authority over the conduct of all wagering occurring  
 3832 at a slot machine facility in this state. As provided by law,  
 3833 only the division ~~of Pari-mutuel Wagering~~ and other authorized  
 3834 state agencies shall administer this part ~~chapter~~ and regulate  
 3835 the slot machine gaming industry, including operation of slot  
 3836 machine facilities, games, slot machines, and facilities-based

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3837 computer systems authorized in this part ~~chapter~~ and the rules  
 3838 adopted by the division.

3839 Section 70. Subsection (5) of section 565.02, Florida  
 3840 Statutes, is amended to read:

3841 565.02 License fees; vendors; clubs; caterers; and  
 3842 others.—

3843 (5) A caterer at a horse or dog racetrack or jai alai  
 3844 fronton may obtain a license upon the payment of an annual state  
 3845 license tax of \$675. Such caterer's license shall permit sales  
 3846 only within the enclosure in which such races or jai alai games  
 3847 are conducted, and such licensee shall be permitted to sell only  
 3848 during the period beginning 10 days before and ending 10 days  
 3849 after racing or jai alai under the authority of the Division of  
 3850 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming  
 3851 Control ~~Business and Professional Regulation~~ is conducted at  
 3852 such racetrack or jai alai fronton. Except as in this subsection  
 3853 otherwise provided, caterers licensed hereunder shall be treated  
 3854 as vendors licensed to sell by the drink the beverages mentioned  
 3855 herein and shall be subject to all the provisions hereof  
 3856 relating to such vendors.

3857 Section 71. Section 817.37, Florida Statutes, is amended  
 3858 to read:

3859 817.37 Touting; defining; providing punishment; ejection  
 3860 from racetracks.—

3861 (1) Any person who knowingly and designedly by false  
 3862 representation attempts to, or does persuade, procure or cause  
 3863 another person to wager on a horse in a race to be run in this  
 3864 state or elsewhere, and upon which money is wagered in this

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3865 | state, and who asks or demands compensation as a reward for  
 3866 | information or purported information given in such case is a  
 3867 | tout, and is guilty of touting.

3868 |         (2) Any person who is a tout, or who attempts or conspires  
 3869 | to commit touting, shall be guilty of a misdemeanor of the  
 3870 | second degree, punishable as provided in s. 775.082 or s.  
 3871 | 775.083.

3872 |         (3) Any person who in the commission of touting falsely  
 3873 | uses the name of any official of the ~~Florida~~ Division of  
 3874 | Licensure of the Department of Gaming Control ~~Pari-mutuel~~  
 3875 | ~~Wagering~~, its inspectors or attaches, or of any official of any  
 3876 | racetrack association, or the names of any owner, trainer,  
 3877 | jockey, or other person licensed by the ~~Florida~~ Division of  
 3878 | Licensure of the Department of Gaming Control ~~Pari-mutuel~~  
 3879 | ~~Wagering~~, as the source of any information or purported  
 3880 | information shall be guilty of a felony of the third degree,  
 3881 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3882 |         (4) Any person who has been convicted of touting by any  
 3883 | court, and the record of whose conviction on such charge is on  
 3884 | file in the office of the ~~Florida~~ Division of Licensure of the  
 3885 | Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of  
 3886 | this state, or of the Federal Bureau of Investigation, or any  
 3887 | person who has been ejected from any racetrack of this or any  
 3888 | other state for touting or practices inimical to the public  
 3889 | interest shall be excluded from all racetracks in this state and  
 3890 | if such person returns to a racetrack he or she shall be guilty  
 3891 | of a misdemeanor of the second degree, punishable as provided in  
 3892 | s. 775.082 or s. 775.083. Any such person who refuses to leave

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3893 such track when ordered to do so by inspectors of the ~~Florida~~  
 3894 Division of Licensure of the Department of Gaming Control ~~Pari-~~  
 3895 ~~mutuel Wagering~~ or by any peace officer, or by an accredited  
 3896 attaché ~~attache~~ of a racetrack or association shall be guilty of  
 3897 a separate offense which shall be a misdemeanor of the second  
 3898 degree, punishable as provided in s. 775.083.

3899 Section 72. Paragraph (g) of subsection (2) and  
 3900 subsections (4) and (16) of section 849.086, Florida Statutes,  
 3901 are amended to read:

3902 849.086 Cardrooms authorized.—

3903 (2) DEFINITIONS.—As used in this section:

3904 (g) "Division" means the Division of Licensure ~~Pari-mutuel~~  
 3905 ~~Wagering~~ of the Department of Gaming Control ~~Business and~~  
 3906 ~~Professional Regulation~~.

3907 (4) AUTHORITY OF DIVISION.—The division ~~of Pari-mutuel~~  
 3908 ~~Wagering of the Department of Business and Professional~~  
 3909 ~~Regulation~~ shall administer this section and regulate the  
 3910 operation of cardrooms under this section and the rules adopted  
 3911 pursuant thereto, and is hereby authorized to:

3912 (a) Adopt rules, including, but not limited to: the  
 3913 issuance of cardroom and employee licenses for cardroom  
 3914 operations; the operation of a cardroom; recordkeeping and  
 3915 reporting requirements; and the collection of all fees and taxes  
 3916 imposed by this section.

3917 (b) Conduct investigations and monitor the operation of  
 3918 cardrooms and the playing of authorized games therein.

3919 (c) Review the books, accounts, and records of any current  
 3920 or former cardroom operator.

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3921 (d) Suspend or revoke any license or permit, after  
 3922 hearing, for any violation of the provisions of this section or  
 3923 the administrative rules adopted pursuant thereto.

3924 (e) Take testimony, issue summons and subpoenas for any  
 3925 witness, and issue subpoenas duces tecum in connection with any  
 3926 matter within its jurisdiction.

3927 (f) Monitor and ensure the proper collection of taxes and  
 3928 fees imposed by this section. Permitholder internal controls are  
 3929 mandated to ensure no compromise of state funds. To that end, a  
 3930 roaming division auditor will monitor and verify the cash flow  
 3931 and accounting of cardroom revenue for any given operating day.

3932 (16) LOCAL GOVERNMENT APPROVAL.—The division may ~~of Pari-~~  
 3933 ~~mutuel Wagering shall~~ not issue any initial license under this  
 3934 section except upon proof in such form as the division may  
 3935 prescribe that the local government where the applicant for such  
 3936 license desires to conduct cardroom gaming has voted to approve  
 3937 such activity by a majority vote of the governing body of the  
 3938 municipality or the governing body of the county if the facility  
 3939 is not located in a municipality.

3940 Section 73. Subsection (10) of section 849.094, Florida  
 3941 Statutes, is amended to read:

3942 849.094 Game promotion in connection with sale of consumer  
 3943 products or services.—

3944 (10) This section does not apply to actions or  
 3945 transactions regulated by the Department of Gaming Control  
 3946 ~~Business and Professional Regulation~~ or to the activities of  
 3947 nonprofit organizations or to any other organization engaged in  
 3948 any enterprise other than the sale of consumer products or

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3949 services. Subsections (3), (4), (5), (6), and (7) and paragraph  
3950 (8) (a) and any of the rules made pursuant thereto do not apply  
3951 to television or radio broadcasting companies licensed by the  
3952 Federal Communications Commission.

3953 Section 74. If any provision of this act or its  
3954 application to any person or circumstance is held invalid, the  
3955 invalidity does not affect other provisions or applications of  
3956 this act which can be given effect without the invalid provision  
3957 or application, and to this end the provisions of this act are  
3958 severable.

3959 Section 75. Except as otherwise expressly provided in this  
3960 act, this act shall take effect July 1, 2012.