

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; providing for
 7 headquarters of the department; designating the
 8 Governor and Cabinet as head of the department;
 9 providing for an executive director; providing purpose
 10 of the department; providing that employees are
 11 subject to specified provisions; prohibiting employees
 12 from acquiring interest in specified applicants or
 13 licensees; prohibiting employment of persons employed
 14 by or holding an interest in certain applicants or
 15 licensees; prohibiting employment by the department of
 16 persons employed by or holding an interest in certain
 17 applicants or licensees; prohibiting employees and
 18 agents from participating in or wagering on a game
 19 conducted by any resort licensee or applicant or any
 20 affiliate of a licensee or applicant except for
 21 certain purposes; amending s. 120.80, F.S.; deleting
 22 certain exceptions and special requirements regarding
 23 hearings applicable to the Department of Business and
 24 Professional Regulation; creating certain exceptions
 25 and special requirements regarding hearings within the
 26 Department of Gaming Control; exempting the department
 27 from specified provisions of the Administrative
 28 Procedure Act in certain proceedings; providing that

29 specified licensing provisions do not apply to
 30 applications for a destination resort license;
 31 designating ss. 551.101-551.123, F.S., as pt. I of ch.
 32 551, F.S., entitled "Slot Machines"; creating ss.
 33 551.201-551.231, F.S., as pt. II of ch. 551, F.S.,
 34 entitled " Destination Resorts"; creating s. 551.201,
 35 F.S.; providing a short title; creating s. 551.202,
 36 F.S.; providing definitions; creating s. 551.204,
 37 F.S.; specifying the powers and duties of the
 38 department; directing the department to establish and
 39 collect certain fees and keep and certify records of
 40 proceedings; authorizing the department to take
 41 testimony and issue summons and subpoenas, require or
 42 permit a person to file a statement in writing
 43 concerning certain matters, take enforcement actions,
 44 apply for relief in court, and establish field
 45 offices; specifying the jurisdiction and authority of
 46 the department, the Department of Law Enforcement, and
 47 local law enforcement agencies to investigate criminal
 48 violations and enforce compliance with law;
 49 authorizing the department to collect taxes,
 50 assessments, fees, and penalties; requiring the
 51 department to revoke or suspend the license of a
 52 person who was unqualified at the time of licensure or
 53 who is no longer qualified to be licensed; creating s.
 54 551.205, F.S.; authorizing the department to adopt
 55 rules relating to the types of gaming authorized,
 56 requirements for the issuance, renewal, revocation,

57 | and suspension of licenses, the disclosure of
 58 | financial interests, procedures to test gaming
 59 | equipment, procedures to verify gaming revenues and
 60 | the collection of taxes, requirements for gaming
 61 | equipment, procedures relating to a facilities-based
 62 | computer system, bond requirements of resort
 63 | licensees, the maintenance of records, procedures to
 64 | calculate the payout percentages of slot machines,
 65 | security standards, the scope and conditions for
 66 | investigations and inspections into the conduct of
 67 | limited gaming, the seizure of gaming equipment and
 68 | records without notice or a warrant, employee drug-
 69 | testing programs, recording of gaming activities, and
 70 | the payment of costs, fines, and application fees;
 71 | authorizing the department to adopt emergency rules;
 72 | exempting the rules from specified provisions of the
 73 | Administrative Procedure Act; creating s. 551.206,
 74 | F.S.; preempting the regulation of limited gaming at a
 75 | destination resort to the state; creating s. 551.207,
 76 | F.S.; restricting the award of resort licenses by the
 77 | department; providing requirements for a referendum;
 78 | requiring limited gaming to be conducted in a
 79 | designated limited gaming floor; authorizing
 80 | participation in gaming at a licensed resort; creating
 81 | s. 551.208, F.S.; authorizing the department to
 82 | authorize limited gaming and issue licenses for a
 83 | limited number of destination resorts; requiring the
 84 | department to use a request for proposals process to

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85 | award a resort license; providing criteria,
86 | procedures, and deadlines; creating s. 551.209, F.S.;
87 | specifying the criteria for evaluation of applications
88 | and award of a destination resort license; specifying
89 | events that disqualify an applicant from eligibility
90 | for a resort license; defining the term "conviction";
91 | creating s. 551.210, F.S.; providing for application
92 | for a destination resort license; specifying the
93 | information that must be on or included with an
94 | application for a resort license; requiring
95 | fingerprints of certain persons; providing that the
96 | department is the sole authority for determining the
97 | information or documentation that must be included in
98 | an application; providing procedures for an
99 | application determined incomplete by the department;
100 | requiring supplemental information regarding changes
101 | to information on the application; providing for
102 | application fees for a resort license to defray the
103 | costs of review and an investigation of the applicant;
104 | requiring the payment of a one-time fee; providing for
105 | refund of the one-time fee under certain
106 | circumstances; creating s. 551.211, F.S.; authorizing
107 | the department to use certain funds to purchase
108 | certain pari-mutuel permits; requiring unexpended
109 | funds received under specified provisions to be
110 | transferred to the General Revenue Fund; providing
111 | requirements to qualify for sale; providing for
112 | determination of a purchase price; providing

113 | procedures for purchasing the permits; providing for
 114 | disposition of the land where the facility is located;
 115 | creating s. 551.212, F.S.; exempting an institutional
 116 | investor that is a qualifier for a resort licensee
 117 | from certain application requirements under certain
 118 | circumstances; requiring notice to the department of
 119 | any changes that may require a person to comply with
 120 | the full application requirements; creating s.
 121 | 551.213, F.S.; exempting lending institutions and
 122 | underwriters from licensing requirements as a
 123 | qualifier under certain circumstances; creating s.
 124 | 551.214, F.S.; specifying conditions for a resort
 125 | licensee to maintain licensure; authorizing the
 126 | department to adopt rules relating to approval of the
 127 | licensee's computer system; creating s. 551.215, F.S.;
 128 | requiring that the licensee post a bond; authorizing
 129 | the department to adopt rules relating to such bonds;
 130 | creating s. 551.216, F.S.; specifying conditions for
 131 | the conduct of limited gaming by a resort licensee;
 132 | providing hours and days of operation and the setting
 133 | of minimum and maximum wagers; requiring the
 134 | department to renew the license of a resort licensee
 135 | if the licensee satisfies specified conditions;
 136 | creating s. 551.218, F.S.; specifying an annual fee
 137 | for the renewal of a resort license; imposing a gross
 138 | receipts tax; requiring a surcharge if specified
 139 | revenues decrease; providing for a proportionate share
 140 | to be paid by each destination resort licensee;

141 providing for the disposition of funds collected;
 142 creating s. 551.219, F.S.; providing procedures for
 143 the submission and processing of fingerprints;
 144 providing that the cost of processing the fingerprints
 145 shall be borne by a licensee or applicant; requiring a
 146 person to report to the department certain pleas and
 147 convictions for disqualifying offenses; creating s.
 148 551.221, F.S.; requiring a person to have a supplier
 149 license to furnish certain goods and services to a
 150 resort licensee; providing for application; providing
 151 for license fees to be set by rule based on certain
 152 criteria; requiring fingerprinting; specifying persons
 153 who are ineligible for supplier licensure; specifying
 154 circumstances under which the department may deny or
 155 revoke a supplier license; authorizing the department
 156 to adopt rules relating to the licensing of suppliers;
 157 requiring a supplier licensee to furnish a list of
 158 gaming devices and equipment to the department,
 159 maintain records, file quarterly returns, and affix
 160 its name to the gaming equipment and supplies that it
 161 offers; requiring that the supplier licensee annually
 162 report its inventory to the department; authorizing
 163 the department to suspend, revoke, or restrict a
 164 supplier license under certain circumstances;
 165 providing that the equipment of a supplier licensee
 166 which is used in unauthorized gaming will be forfeited
 167 to the county where the equipment is found; providing
 168 criminal penalties for a person who knowingly makes a

169 false statement on an application for a supplier
 170 license; creating s. 551.222, F.S.; requiring a person
 171 to have an occupational license to serve as a limited
 172 gaming employee of a resort licensee; requiring a
 173 person to apply to the department for an occupational
 174 license and pay an application fee; specifying
 175 information that an applicant must include in an
 176 application for an occupational license, including
 177 fingerprints; providing eligibility requirements;
 178 specifying grounds for the department to deny,
 179 suspend, revoke, or restrict an occupational license;
 180 authorizing training to be conducted at certain
 181 facilities; providing criminal penalties for a person
 182 who knowingly makes a false statement on an
 183 application for an occupational license; creating s.
 184 551.223, F.S.; authorizing the executive director of
 185 the department to issue a temporary occupational or
 186 temporary supplier license under certain
 187 circumstances; creating s. 551.225, F.S.; requiring
 188 the department to file quarterly reports with the
 189 Governor and Cabinet; creating s. 551.227, F.S.;

190 providing procedures for the resolution of certain
 191 disputes between a resort licensee and a patron;
 192 requiring a resort licensee to notify the department
 193 of certain disputes; requiring a resort licensee to
 194 notify a patron of the right to file a complaint with
 195 the department regarding certain disputes; authorizing
 196 the department to investigate disputes and to order a

197 resort licensee to make a payment to a patron;
 198 creating s. 551.228, F.S.; providing for the
 199 enforcement of credit instruments; authorizing a
 200 resort licensee to accept an incomplete credit
 201 instrument and to complete incomplete credit
 202 instruments under certain circumstances; providing
 203 that existence of a mental disorder is not a defense
 204 or a valid counterclaim in an action to enforce a
 205 credit instrument; authorizing the department to adopt
 206 rules prescribing the conditions under which a credit
 207 instrument may be presented to a bank; creating s.
 208 551.230, F.S.; requiring a resort licensee to train
 209 its employees about compulsive gambling; requiring a
 210 resort licensee to work with a compulsive gambling
 211 prevention program; requiring the department to
 212 contract for services relating to the prevention of
 213 compulsive gambling; providing for the department's
 214 compulsive gambling prevention program to be funded
 215 from a regulatory fee imposed on resort licensees;
 216 creating s. 551.231, F.S.; authorizing a person to
 217 request that the department exclude him or her from
 218 limited gaming facilities; providing for a form and
 219 contents of the form; providing that a self-excluded
 220 person who is found on a gaming floor may be arrested
 221 and prosecuted for criminal trespass; providing that a
 222 self-excluded person holds harmless the department and
 223 licensees from claims for losses and damages under
 224 certain circumstances; requiring the person to submit

225 identification issued by the government; requiring the
 226 department to photograph the person requesting self-
 227 exclusion; amending s. 561.20, F.S.; exempting
 228 destination resorts from certain limitations on the
 229 number of licenses to sell alcoholic beverages which
 230 may be issued; providing restrictions on a resort
 231 issued such license; requiring an annual state license
 232 tax to be paid by a resort for such license; providing
 233 for deposit of proceeds from the tax; preempting to
 234 the state the regulation of alcoholic beverages at
 235 destination resorts; providing hours and days
 236 alcoholic beverages may be sold at a resort; directing
 237 the department to adopt rules; providing recordkeeping
 238 requirements; amending s. 849.15, F.S.; authorizing
 239 slot machine gaming in a resort licensee and the
 240 transportation of slot machines pursuant to federal
 241 law; exempting slot machine licensees from
 242 prohibitions relating to coin-operated devices;
 243 amending s. 849.231, F.S.; providing that a
 244 prohibition on gambling devices does not apply to
 245 resort licensees as authorized under specified
 246 provisions; transferring and reassigning certain
 247 functions and responsibilities, including records,
 248 personnel, property, and unexpended balances of
 249 appropriations and other resources from the Division
 250 of Pari-mutuel Wagering of the Department of Business
 251 and Professional Regulation to the Department of
 252 Gaming Control; transferring certain trust funds from

253 | the Department of Business and Professional Regulation
 254 | to the Department of Gaming Control; amending s.
 255 | 550.054, F.S.; removing a provision relating to
 256 | failure to complete construction of a pari-mutuel
 257 | facility; directing the department to revoke a pari-
 258 | mutuel permit if the permitholder has not conducted a
 259 | full schedule of live racing or games before a certain
 260 | date; requiring adequate notice before the revocation;
 261 | prohibiting issuance of a pari-mutuel permit after a
 262 | certain date; amending s. 551.106, F.S.; revising tax
 263 | rates on slot machine revenue under certain
 264 | circumstances; amending ss. 285.710, 550.002,
 265 | 550.0251, 550.09514, 550.135, 550.24055, 550.2415,
 266 | 550.2625, 550.2704, 550.3345, 550.6305, 550.902,
 267 | 550.907, 551.101, 551.102, 551.103, 551.104, 551.107,
 268 | 551.108, 551.109, 551.111, 551.112, 551.117, 551.119,
 269 | 551.122, 551.123, 565.02, 817.37, and 849.086, F.S.;
 270 | correcting references and conforming provisions to
 271 | changes made by the act; creating the "Electronic
 272 | Gambling Prohibition and Community Protection Act";
 273 | providing legislative findings and intent;
 274 | transferring and reassigning certain functions and
 275 | responsibilities, including records, personnel,
 276 | property, and unexpended balances of appropriations
 277 | and other resources for administration and enforcement
 278 | of specified provisions relating to game promotions in
 279 | connection with sale of consumer products or services,
 280 | from the Department of Agriculture and Consumer

281 Services to the Department of Gaming Control;
 282 providing for existing or pending actions, orders, and
 283 rules; amending s. 849.0935, F.S., relating to
 284 drawings by chance offered by nonprofit organizations;
 285 revising definitions; revising conditions for
 286 exceptions to prohibitions on lotteries; prohibiting
 287 the use of certain devices operated by drawing
 288 entrants; providing penalties; amending s. 849.094,
 289 F.S., relating to game promotion in connection with
 290 sale of consumer products or services; defining the
 291 term "department" as the Department of Business and
 292 Professional Regulation; revising definitions;
 293 providing for construction of specified provisions;
 294 prohibiting specified nonprofit organizations from
 295 operating a game promotion; prohibiting the use of
 296 certain devices operated by game promotion entrants;
 297 providing for construction; providing penalties;
 298 providing that violations are deceptive and unfair
 299 trade practices; revising applicability provisions;
 300 amending s. 849.15, F.S.; prohibiting production,
 301 possession, or distribution of gambling apparatus;
 302 amending s. 849.16, F.S.; defining the term "slot
 303 machine or device" for purposes of specified gambling
 304 provisions; providing a rebuttable presumption that a
 305 device is a prohibited slot machine; amending s.
 306 895.02, F.S.; revising the definition of the term
 307 "racketeering activity" to include violations of
 308 specified provisions; providing for construction of

309 the act; amending s. 721.111, F.S., relating to
 310 promotional offers; conforming cross-references;
 311 reenacting ss. 16.56(1)(a), 338.234(1), 655.50(3)(g),
 312 849.19, 896.101(2)(g), and 905.34(3), F.S., relating
 313 to the Office of Statewide Prosecution, the Florida
 314 Turnpike, money laundering, seizure of property, the
 315 Florida Money Laundering Act, and a statewide grand
 316 jury, respectively, to incorporate changes made by the
 317 act in references thereto; providing for construction
 318 of the act; providing for severability; providing
 319 effective dates.

320
 321 Be It Enacted by the Legislature of the State of Florida:

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

325 20.165 Department of Business and Professional
 326 Regulation.—There is created a Department of Business and
 327 Professional Regulation.

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

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

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

336 2. The offices of the division shall be located in

337 Gainesville.

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

339 Mobile Homes.

340 (e) Division of Hotels and Restaurants.

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

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

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

344 1. The director of the division shall be appointed by the

345 secretary of the department, subject to approval by a majority

346 of the Florida Real Estate Commission.

347 2. The offices of the division shall be located in

348 Orlando.

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

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

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

352 Section 2. Section 20.318, Florida Statutes, is created to

353 read:

354 20.318 Department of Gaming Control.—

355 (1) There is created a Department of Gaming Control.

356 (2) The department shall be headquartered in Leon County.

357 (3) The head of the department is the Governor and

358 Cabinet. The executive director of the department shall be

359 appointed by the Governor with the approval of three members of

360 the Cabinet. The executive director shall serve at the pleasure

361 of the Governor and Cabinet.

362 (4) The executive director may establish operational and

363 administrative services to assist, manage, and support the

364 department in operating programs.

365 (5) The purpose of the department is to control,
 366 supervise, and direct all gaming applicants, permittees, and
 367 licensees and to control, supervise, and direct the holding,
 368 conducting, and operating of any gaming establishment in this
 369 state.

370 (6) Except where otherwise provided in law, employees of
 371 the department are subject to the provisions of ch. 112.

372 (7) An employee of the department may not acquire a direct
 373 or indirect interest in, be employed by, or enter into a
 374 contract for services with, or represent before the department
 375 an applicant or person licensed by the department for a period
 376 of 3 years after the date of termination of the person's
 377 employment with the department.

378 (8) The department shall not employ a person who, during
 379 the 3 years immediately preceding employment, held a direct or
 380 indirect interest in, or was employed by:

381 (a) A resort licensee or supplier licensee;

382 (b) An applicant for a resort license or an applicant for a
 383 similar license in another jurisdiction;

384 (c) An entity licensed to operate a gaming facility in
 385 another state;

386 (d) A pari-mutuel gaming facility licensed to operate in
 387 this state; or

388 (e) A tribal gaming facility within this state.

389 (9) An employee of the department may not participate in
 390 or wager on any game conducted by any resort licensee or
 391 applicant or any affiliate of a licensee or applicant regulated
 392 by the department in this state or in any other jurisdiction,

393 except as required as part of the person's surveillance,
 394 security, or other official duties.

395 Section 3. Subsection (4) of section 120.80, Florida
 396 Statutes, is amended, and subsection (19) is added to that
 397 section, to read:

398 120.80 Exceptions and special requirements; agencies.—

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

400 ~~(a) Business regulation. The Division of Pari-mutuel~~
 401 ~~Wagering is exempt from the hearing and notice requirements of~~
 402 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~
 403 ~~boards of judges when the hearing is to be held for the purpose~~
 404 ~~of the imposition of fines or suspensions as provided by rules~~
 405 ~~of the Division of Pari-mutuel Wagering, but not for~~
 406 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
 407 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
 408 ~~alternative procedures, including a hearing upon reasonable~~
 409 ~~notice, for the following violations:~~

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

412 2. ~~Application and usage of drugs and medication to~~
 413 ~~horses, greyhounds, and jai alai players in violation of chapter~~
 414 ~~550.~~

415 3. ~~Maintaining or possessing any device which could be~~
 416 ~~used for the injection or other infusion of a prohibited drug to~~
 417 ~~horses, greyhounds, and jai alai players in violation of chapter~~
 418 ~~550.~~

419 4. ~~Suspensions under reciprocity agreements between the~~
 420 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~

421 ~~other states.~~

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

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

425 ~~(b) Professional regulation.~~ Notwithstanding s.
 426 120.57(1)(a), formal hearings may not be conducted by the
 427 Secretary of Business and Professional Regulation or a board or
 428 member of a board within the Department of Business and
 429 Professional Regulation for matters relating to the regulation
 430 of professions, as defined by chapter 455.

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

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

438 (b) The department shall adopt rules establishing
 439 alternative procedures, including a hearing upon reasonable
 440 notice, for the following:

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

443 2. Application and administration of drugs and medication
 444 to horses, greyhounds, and jai alai players in violation of
 445 chapter 550.

446 3. Maintaining or possessing any device that could be used
 447 for the injection or other infusion of a prohibited drug into a
 448 horse, greyhound, or jai alai players in violation of chapter

449 550.

450 4. Suspensions under reciprocity agreements between the
 451 department and regulatory agencies of other states.

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

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

455 (c) Section 120.60 does not apply to applications for a
 456 destination resort license.

457 Section 4. Chapter 551, Florida Statutes, consisting of
 458 sections 551.101 through 551.123, is designated as part I of
 459 that chapter and entitled "Slot Machines"; and part II of that
 460 chapter, consisting of sections 551.201 through 551.231, as
 461 created by this act, is entitled "Destination Resorts."

462 Section 5. Section 551.201, Florida Statutes, is created
 463 to read:

464 551.201 This part may be cited as the "Destination Resort
 465 Act" or the "Resort Act."

466 Section 6. Section 551.202, Florida Statutes, is created
 467 to read:

468 551.202 Definitions.—As used in this part, the term:

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

472 (a) Major aisles, the maximum area of which may not exceed
 473 the limit within any part of the limited gaming facility as
 474 specified by the department.

475 (b) Back-of-house facilities.

476 (c) Any reception or information counter.

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

479 (e) Any retail outlet.

480 (f) Any area designated for performances.

481 (g) Any area designated for aesthetic or decorative
 482 displays.

483 (h) Staircases, staircase landings, escalators, lifts, and
 484 lift lobbies.

485 (i) Bathrooms.

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

490 (2) "Applicant," as the context requires, means a person
 491 or entity who applies for a resort license, supplier license, or
 492 occupational license. A county, municipality, or other unit of
 493 government is prohibited from applying for a resort license.

494 (3) "Credit" means the method by which a licensee issues
 495 chips or tokens to a wagerer of the licensee to play games or
 496 slot machines, in return for which the wagerer executes a credit
 497 instrument to evidence the debt owed. The issuance of credit to
 498 a wagerer may not be deemed a loan from the licensee to the
 499 wagerer.

500 (4) "Destination resort" or "resort" means a freestanding,
 501 land-based structure in which limited gaming may be conducted. A
 502 destination resort is a mixed-use development consisting of a
 503 combination of various tourism amenities and facilities,
 504 including, but not limited to, hotels, villas, restaurants,

505 limited gaming facilities, convention facilities, attractions,
 506 entertainment facilities, service centers, and shopping centers.

507 (5) "Destination resort license" or "resort license" means
 508 a license to operate and maintain a destination resort having a
 509 limited gaming facility.

510 (6) "District" means a county in which a majority of the
 511 electors voting in a countywide referendum have passed a
 512 referendum allowing for limited gaming.

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

516 (8) "Gross receipts" means the total of cash or cash
 517 equivalents received or retained as winnings by a resort
 518 licensee and the compensation received for conducting any game
 519 in which the resort licensee is not party to a wager, less cash
 520 taken in fraudulent acts perpetrated against the resort licensee
 521 for which the resort licensee is not reimbursed. The term does
 522 not include:

523 (a) Counterfeit money or tokens;

524 (b) Coins of other countries which are received in gaming
 525 devices and which cannot be converted into United States
 526 currency;

527 (c) Promotional credits or free play as provided by the
 528 resort licensee as a means of marketing the limited gaming
 529 facility; or

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

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

532 (10) "Institutional investor" means, but is not limited
 533 to:
 534 (a) A retirement fund administered by a public agency for
 535 the exclusive benefit of federal, state, or county public
 536 employees.
 537 (b) An employee benefit plan or pension fund that is
 538 subject to the Employee Retirement Income Security Act of 1974.
 539 (c) An investment company registered under the Investment
 540 Company Act of 1940.
 541 (d) A collective investment trust organized by a bank
 542 under 12 C.F.R. part 9, s. 9.18.
 543 (e) A closed-end investment trust.
 544 (f) A life insurance company or property and casualty
 545 insurance company.
 546 (g) A financial institution.
 547 (h) An investment advisor registered under the Investment
 548 Advisers Act of 1940.
 549 (i) Such other persons as the department may determine for
 550 reasons consistent with the policies of this part.
 551 (11) "Junket enterprise" means any person who, for
 552 compensation, employs or otherwise engages in the procurement or
 553 referral of persons for a junket to a destination resort
 554 licensed under this part regardless of whether those activities
 555 occur within this state. The term does not include a resort
 556 licensee or applicant for a resort license or a person holding
 557 an occupational license.
 558 (12) "License," as the context requires, means a resort
 559 license, supplier license, or occupational license.

560 (13) "Licensee," as the context requires, means a person
 561 who is licensed as a resort licensee, supplier licensee, or
 562 occupational licensee.

563 (14) "Limited gaming," "game," or "gaming," as the context
 564 requires, means the games authorized under this part in a
 565 limited gaming facility, including, but not limited to, those
 566 commonly known as baccarat, twenty-one, poker, craps, slot
 567 machines, video gaming of chance, roulette wheels, Klondike
 568 tables, punch-board, faro layout, numbers ticket, push car, jar
 569 ticket, pull tab, or their common variants, or any other game of
 570 chance or wagering device that is authorized by the department.

571 (15) "Limited gaming employee" or "gaming employee" means
 572 any employee of a resort licensee, including, but not limited
 573 to:

574 (a) Cashiers.

575 (b) Change personnel.

576 (c) Count room personnel.

577 (d) Slot machine attendants.

578 (e) Hosts or other individuals authorized to extend
 579 complimentary services, including employees performing functions
 580 similar to those performed by a representative for a junket
 581 enterprise.

582 (f) Machine mechanics and computer technicians performing
 583 duties on machines with gaming-related functions or table game
 584 device technicians.

585 (g) Security personnel.

586 (h) Surveillance personnel.

587 (i) Promotional play supervisors, credit supervisors, pit
 588 supervisors, cashier supervisors, gaming shift supervisors,
 589 table game managers, assistant managers, and other supervisors
 590 and managers.

591 (j) Boxmen.

592 (k) Dealers or croupiers.

593 (l) Floormen.

594 (m) Personnel authorized to issue promotional credits.

595 (n) Personnel authorized to issue credit.

596

597 The term does not include bartenders, cocktail servers, or other
 598 persons engaged in preparing or serving food or beverages,
 599 clerical or secretarial personnel, parking attendants,
 600 janitorial staff, stage hands, sound and light technicians, and
 601 other nongaming personnel as determined by the department. The
 602 term includes a person employed by a person or entity other than
 603 a resort licensee who performs the functions of a limited gaming
 604 employee.

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

607 (17) "Limited gaming floor" means the approved gaming area
 608 of a resort. Ancillary areas in or directly adjacent to the
 609 gaming area are not part of the limited gaming floor for
 610 purposes of calculating the size of the limited gaming floor.

611 (18) "Managerial employee" has the same meaning as in s.
 612 447.203 (4).

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

615 (20) "Qualifier" means an affiliate, affiliated company,
 616 officer, director, or managerial employee of an applicant for a
 617 resort license, or a person who holds a direct or indirect
 618 equity interest in the applicant. The term may include an
 619 institutional investor. As used in this subsection, the terms
 620 "affiliate," "affiliated company," and "a person who holds a
 621 direct or indirect equity interest in the applicant" do not
 622 include a partnership, a joint venture relationship, a
 623 shareholder of a corporation, a member of a limited liability
 624 company, or a partner in a limited liability partnership that
 625 has a direct or indirect equity interest in the applicant for a
 626 resort license of 5 percent or less and is not involved in the
 627 gaming operations as defined by the rules of the department.

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

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

633 Section 7. Section 551.204, Florida Statutes, is created
 634 to read:

635 551.204 Department of Gaming Control; powers and duties.—

636 (1) The department shall establish and collect fees for
 637 performing background checks on all applicants for licenses and
 638 all persons with whom the department may contract for the
 639 providing of goods or services and for performing, or having
 640 performed, tests on equipment and devices to be used in a
 641 limited gaming facility.

642 (2) The department shall keep accurate and complete
 643 records of its proceedings and to certify the records as may be
 644 appropriate.

645 (3) The department may take testimony concerning any
 646 matter within its jurisdiction and issue summons and subpoenas
 647 for any witness and subpoenas duces tecum in connection with any
 648 matter within the jurisdiction of the department under its seal
 649 and signed by the director.

650 (4) The department may require or permit a person to file
 651 a statement in writing, under oath or otherwise as the
 652 department or its designee requires, as to all the facts and
 653 circumstances concerning the matter to be audited, examined, or
 654 investigated.

655 (5) The department may take any other action as may be
 656 reasonable or appropriate to enforce this part and rules adopted
 657 by the department.

658 (6) The department may apply for injunctive or declaratory
 659 relief in a court of competent jurisdiction to enforce this part
 660 and any rules adopted by the department.

661 (7) The department may establish field offices, as deemed
 662 necessary by the department.

663 (8) (a) The department, the Department of Law Enforcement,
 664 and local law enforcement agencies shall have unrestricted
 665 access to the limited gaming facility at all times and shall
 666 require of each resort licensee strict compliance with the laws
 667 of this state relating to the transaction of such business. The
 668 department and the Department of Law Enforcement may:

669 1. Inspect and examine premises where authorized limited
 670 gaming devices are offered for play.

671 2. Inspect slot machines, other authorized gaming devices,
 672 and related equipment and supplies.

673 (b) In addition, the department may:

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

675 2. Deny, revoke, or suspend a license of, or place
 676 conditions on, a licensee who violates any provision of this
 677 part, or a rule adopted by the department.

678 (9) The department must revoke or suspend the license of
 679 any person or entity who is no longer qualified or who is found,
 680 after receiving a license, to have been unqualified at the time
 681 of application for the license.

682 (10) This section does not:

683 (a) Prohibit the Department of Law Enforcement or any law
 684 enforcement authority whose jurisdiction includes a resort
 685 licensee or a supplier licensee from conducting investigations
 686 of criminal activities occurring at the facilities of a resort
 687 licensee or supplier licensee;

688 (b) Restrict access to the limited gaming facility by the
 689 Department of Law Enforcement or any local law enforcement
 690 authority whose jurisdiction includes a resort licensee's
 691 facility; or

692 (c) Restrict access by the Department of Law Enforcement
 693 or a local law enforcement agency to information and records
 694 necessary for the investigation of criminal activity which are
 695 contained within the facilities of a resort licensee or supplier
 696 licensee.

697 Section 8. Section 551.205, Florida Statutes, is created
 698 to read:

699 551.205 Rulemaking.—

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

703 (a) The types of limited gaming activities to be conducted
 704 and the rules for those games, including any restriction upon
 705 the time, place, and structures where limited gaming is
 706 authorized.

707 (b) Requirements, procedures, qualifications, and grounds
 708 for the issuance, renewal, revocation, suspension, and summary
 709 suspension of a resort license, supplier license, or
 710 occupational license.

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

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

715 (e) Procedures to scientifically test and technically
 716 evaluate slot machines and other authorized gaming devices for
 717 compliance with this part and the rules adopted by the
 718 department. The department may contract with an independent
 719 testing laboratory to conduct any necessary testing. The
 720 independent testing laboratory must have a national reputation
 721 for being demonstrably competent and qualified to scientifically
 722 test and evaluate slot machines and other authorized gaming
 723 devices. An independent testing laboratory may not be owned or
 724 controlled by a licensee. The use of an independent testing

725 laboratory for any purpose related to the conduct of slot
 726 machine gaming and other authorized gaming by a resort licensee
 727 shall be made from a list of laboratories approved by the
 728 department.

729 (f) Procedures relating to limited gaming revenues,
 730 including verifying and accounting for such revenues, auditing,
 731 and collecting taxes and fees.

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

735 (h) Procedures for regulating, managing, and auditing the
 736 operation, financial data, and program information relating to
 737 limited gaming which allow the department and the Department of
 738 Law Enforcement to audit the operation, financial data, and
 739 program information of a resort licensee, as required by the
 740 department or the Department of Law Enforcement, and provide the
 741 department and the Department of Law Enforcement with the
 742 ability to monitor, at any time on a real-time basis, wagering
 743 patterns, payouts, tax collection, and compliance with any rules
 744 adopted by the department for the regulation and control of
 745 limited gaming. Such continuous and complete access, at any time
 746 on a real-time basis, shall include the ability of either the
 747 department or the Department of Law Enforcement to suspend play
 748 immediately on particular slot machines or other gaming devices
 749 if monitoring of the facilities-based computer system indicates
 750 possible tampering or manipulation of those slot machines or
 751 gaming devices or the ability to suspend play immediately of the
 752 entire operation if the tampering or manipulation is of the

753 computer system itself. The department shall notify the
754 Department of Law Enforcement and the Department of Law
755 Enforcement shall notify the department, as appropriate,
756 whenever there is a suspension of play pursuant this paragraph.
757 The department and the Department of Law Enforcement shall
758 exchange information that is necessary for, and cooperate in the
759 investigation of, the circumstances requiring suspension of play
760 pursuant to this paragraph.

761 (i) Procedures for requiring each resort licensee at his
762 or her own cost and expense to supply the department with a bond
763 as required.

764 (j) Procedures for requiring licensees to maintain and to
765 provide to the department records, data, information, or
766 reports, including financial and income records.

767 (k) Procedures to calculate the payout percentages of slot
768 machines.

769 (l) Minimum standards for security of the facilities,
770 including floor plans, security cameras, and other security
771 equipment.

772 (m) The scope and conditions for investigations and
773 inspections into the conduct of limited gaming.

774 (n) The standards and procedures for the seizure without
775 notice or hearing of gaming equipment, supplies, or books and
776 records for the purpose of examination and inspection.

777 (o) Procedures for requiring resort licensees and supplier
778 licensees to implement and establish drug-testing programs for
779 all occupational employees.

780 (p) Procedures and guidelines for the continuous recording
781 of all gaming activities at a limited gaming facility. The
782 department may require a resort licensee to timely provide all
783 or part of the original recordings pursuant to a schedule.

784 (q) The payment of costs incurred by the department or any
785 other agencies for investigations or background checks or costs
786 associated with testing limited gaming related equipment, which
787 must be paid by an applicant for a license or a licensee.

788 (r) The levying of fines for violations of this part or
789 any rule adopted by the department, which fines may not exceed
790 \$250,000 per violation arising out of a single transaction.

791 (s) The amount of the application fee for an initial
792 issuance or renewal of an occupational license or a suppliers
793 license, not to exceed \$5,000.

794 (t) Any other rules the department finds necessary for
795 safe, honest, and highly regulated gaming in the state. For
796 purposes of this paragraph, the department shall consider rules
797 from any other jurisdiction in which gaming is highly regulated,
798 such as New Jersey or Nevada.

799 (u) Any other rule necessary to accomplish the purposes of
800 this part.

801 (2) The department may at any time adopt emergency rules
802 pursuant to s. 120.54. The Legislature finds that such emergency
803 rulemaking power is necessary for the preservation of the rights
804 and welfare of the people. The Legislature further finds that
805 the unique nature of limited gaming operations requires, from
806 time to time, that the department respond as quickly as is
807 practicable. Therefore, in adopting such emergency rules, the

808 department need not make the findings required by s.
 809 120.54(4) (a). Emergency rules adopted under this section are
 810 exempt from s. 120.54(4) (c). However, the emergency rules may
 811 not remain in effect for more than 180 days except that the
 812 department may renew the emergency rules during the pendency of
 813 procedures to adopt permanent rules addressing the subject of
 814 the emergency rules.

815 Section 9. Section 551.206, Florida Statutes, is created
 816 to read:

817 551.206 Legislative authority; administration of part.—The
 818 regulation of the conduct of limited gaming activity at a resort
 819 licensee is preempted to the state. A county, municipality, or
 820 other political subdivision of the state may not enact any
 821 ordinance relating to limited gaming. Only the department and
 822 other authorized state agencies may administer this part and
 823 regulate limited gaming, including limited gaming at resort
 824 licensees and the assessment of fees or taxes relating to the
 825 conduct of limited gaming.

826 Section 10. Section 551.207, Florida Statutes, is created
 827 to read:

828 551.207 Authorization of limited gaming at destination
 829 resorts.—

830 (1) Notwithstanding any other provision of law, the
 831 department may award a resort license authorizing limited gaming
 832 in a county only if a majority of the electors voting in a
 833 countywide referendum have passed a referendum allowing for slot
 834 machines as of December 30, 2011, and if subsequent to this act
 835 becoming law a majority of the electors voting in a countywide

836 referendum have passed a referendum allowing for limited gaming.
 837 If limited gaming is authorized through the award of a resort
 838 license, the resort licensee may possess slot machines and other
 839 authorized gaming devices and conduct limited gaming at the
 840 licensed location. Notwithstanding any other provision of law, a
 841 person who is at least 21 years of age may lawfully participate
 842 in authorized games at a facility licensed to possess authorized
 843 limited gaming devices and conduct limited gaming or to
 844 participate in limited gaming as described in this part. All
 845 limited gaming shall be conducted in a designated limited gaming
 846 floor that is segregated from the rest of the resort or pari-
 847 mutuel facility so that patrons may have ingress and egress to
 848 the facility without entering the designated limited gaming
 849 floor.

850 (2) Any referendum required in this act shall include the
 851 following language:

852 SHOULD OPERATION OF DESTINATION RESORTS, AS DEFINED IN
 853 531.202, BE AUTHORIZED IN [NAME OF COUNTY], SUBJECT TO
 854 A \$2 BILLION MINIMUM INVESTMENT?

855 Section 11. Section 551.208, Florida Statutes, is created
 856 to read:

857 551.208 Destination resort licenses application process.-

858 (1) The department may authorize limited gaming at up to
 859 three destination resorts and grant a license to the applicant
 860 or applicants best suited to operate a destination resort that
 861 has limited gaming. However no license shall be issued after
 862 December 31, 2018.

863 (2) The department shall use a request for proposals
 864 process for determining any award of a resort license. The
 865 application, review, and issuance procedures for awarding a
 866 license shall be by a process in which applicants rely on forms
 867 provided by the department. The deadline for application
 868 submittals to the department shall be no later than July 1,
 869 2017.

870 (3) Proposals in response to the request for proposals
 871 must be received by the department no later than 90 days after
 872 the issuance of the request for proposals.

873 (4) The department may specify in its request for
 874 proposals the county in which the facility may be located. When
 875 determining whether to authorize a destination resort located
 876 within a specific county or counties, the department shall hold
 877 a public hearing in such county or counties to discuss the
 878 proposals and receive public comments on determination of the
 879 award of licenses.

880 (5) The department shall review all complete proposals
 881 received pursuant to an request for proposals. The department
 882 may select one or more proposals after determining which
 883 proposals are in the best interest of the state based on the
 884 selection criteria. Upon or after approval or denial by the
 885 Governor and Cabinet, the department shall award or deny a
 886 destination resort license within 90 days.

887 (6) The department shall require each applicant for a
 888 destination resort license to produce the information,
 889 documentation, and assurances as may be necessary to establish
 890 by clear and convincing evidence the integrity of all financial

891 backers, investors, mortgagees, bondholders, and holders of
 892 indentures, notes, or other evidences of indebtedness, either in
 893 effect or proposed. Any such banking or lending institution and
 894 institutional investors may be waived from qualification
 895 requirements. However, banking or lending institutions or
 896 institutional investors shall produce for the board upon request
 897 any document or information that bears any relation to the
 898 proposal submitted by the applicant or applicants. The integrity
 899 of the financial sources shall be judged upon the same standards
 900 as the applicant or applicants. Any such person or entity shall
 901 produce for the department upon request any document or
 902 information that bears any relation to the application. In
 903 addition, the applicant shall produce whatever information,
 904 documentation, or assurances the department requires to
 905 establish by clear and convincing evidence the adequacy of
 906 financial resources.

907 (7) The department shall require an applicant to
 908 demonstrate that it has received conceptual approval for the
 909 destination resort proposal from the municipality and county in
 910 which the resort will be located.

911 Section 12. Section 551.209, Florida Statutes, is created
 912 to read:

913 551.209 Criteria for the award of a destination resort
 914 license.—The department may award no more than three destination
 915 resort licenses.

916 (1) The department may award a resort license to the
 917 applicant which best serves the interests of the residents of

918 this state, and whose application meets the following minimum
 919 criteria:

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

923 (b) The limited gaming floor in a destination resort may
 924 constitute no more than 10 percent of the resort development's
 925 total square footage. The resort development's total square
 926 footage is the aggregate of the total square footage of the
 927 limited gaming facility, the hotel or hotels, convention space,
 928 retail facilities, nongaming entertainment facilities, service
 929 centers, and office space or administrative areas.

930 (c) The applicant must demonstrate a history of, or a bona
 931 fide plan for, community involvement or investment in the
 932 community where the resort having a limited gaming facility will
 933 be located.

934 (d) The applicant must demonstrate a history of investment
 935 in the communities which its previous developments have been
 936 located.

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

939 (f) The applicant must demonstrate that it has adequate
 940 capitalization to develop, construct, maintain, and operate the
 941 proposed resort having a limited gaming facility in accordance
 942 with the requirements of this part and rules adopted by the
 943 department and to responsibly meet its secured and unsecured
 944 debt obligations in accordance with its financial and other
 945 contractual agreements.

946 (g) The applicant must demonstrate the ability to
947 implement a program to train and employ residents of this state
948 for jobs that will be available at the destination resort,
949 including its ability to implement a program for the training of
950 low-income persons.

951 (h) The department may, at its discretion, assess the
952 quality of the proposed development's aesthetic appearance in
953 the context of its potential to provide substantial economic
954 benefits to the community and the people of this state,
955 including, but not limited to, its potential to provide
956 substantial employment opportunities.

957 (i) The applicant must show how it will integrate with
958 local businesses in host and surrounding communities, including
959 local restaurants, hotels, retail outlets, and impacted live
960 entertainment venues.

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

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

969 (l) The applicant must demonstrate that it will expend at
970 least \$2 billion in new development and construction of the
971 proposed destination resort following the award of a license,
972 which may include improvements to the property, furnishings, and
973 other equipment, as determined by the department, excluding any

974 leased gaming equipment, purchase price and costs associated
 975 with the acquisition of real property on which to develop the
 976 destination resort, and excluding any impact fees. Such
 977 expenditure must in the aggregate be completed within 5 years
 978 after the award of any such license.

979 (m) The applicant must demonstrate the ability to generate
 980 substantial gross receipts.

981 (n) Any other criteria the applicant deems necessary to
 982 assist the department in its scoring as outlined in this act.

983 (2) (a) The department shall evaluate applications based on
 984 the following weighted criteria:

985 1. Design and location: 20 percent.

986 a. The location shall be evaluated based on the ability of
 987 the community to sustain such a development, the support of the
 988 local community in bringing the development to the community,
 989 and an analysis of the revenue that will be generated by the
 990 facility.

991 b. Design shall be evaluated based on the potential
 992 operator's ability to integrate the facilities design into the
 993 local community and whether the size and scope of the project
 994 will integrate properly into the community.

995 2. Management expertise and speed to market: 40 percent.
 996 The criteria for evaluation shall be:

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

999 b. The applicant's plan to build and manage the resort and
 1000 the operator's timeline for completion of the resort.

1001 c. The applicant's experience and plan to generate
 1002 nongaming revenue from other amenities with the facility.
 1003 d. The applicant's access to capital and financial ability
 1004 to construct the proposed project.
 1005 e. The evaluation of the criteria specified in paragraphs
 1006 (1) (a) - (k).
 1007 3. Generating out-of-state visitation: 30 percent. The
 1008 criteria for evaluation shall be:
 1009 a. The applicant's demonstrated history of generating
 1010 tourism and visitation from out of state and international
 1011 tourists.
 1012 b. The applicant's history of driving visitation to other
 1013 properties in an area.
 1014 c. The applicant's plan for generating out-of-state and
 1015 international tourism.
 1016 d. The applicant's plan for maximizing visitation to a
 1017 region that will also drive visitation to other properties in
 1018 that region.
 1019 4. Community enhancement plan: 10 percent. The criteria
 1020 for evaluation shall be:
 1021 a. The applicant's demonstrated history of community
 1022 partnerships in local communities where they are located.
 1023 b. The applicant's demonstrated plan to enhance the local
 1024 community where the proposed resort will be located.
 1025 c. The applicant's demonstrated plan for local hiring.
 1026 d. The applicant's demonstrated history of working with
 1027 community education facilities, including local schools and

1028 colleges to train prospective job applicants for careers in the
 1029 hospitality field.

1030 e. The applicant's demonstrated history in diversity in
 1031 hiring and minority purchasing.

1032 f. The applicant's plan for diversity in hiring and
 1033 minority purchasing.

1034 (b) The department shall take into consideration those
 1035 applicants that demonstrate that they meet the following
 1036 criteria:

1037 1. The roads, water, sanitation, utilities, and related
 1038 services to the proposed location of the destination resort are
 1039 adequate and the proposed destination resort will not unduly
 1040 impact public services, existing transportation infrastructure,
 1041 consumption of natural resources, and the quality of life
 1042 enjoyed by residents of the surrounding neighborhoods.

1043 2. The applicant will be able to commence construction as
 1044 soon after awarding of the resort license as possible, but, in
 1045 any event, no later than 12 months after the award of the resort
 1046 license.

1047 3. The destination resort will include amenities and uses
 1048 that will allow other state businesses to be included within the
 1049 destination resort.

1050 4. The destination resort will promote local businesses in
 1051 host and surrounding communities, including developing cross-
 1052 marketing strategies with local restaurants, small businesses,
 1053 hotels, retail outlets, and impacted live entertainment venues.

1054 5. The destination resort will implement a workforce
 1055 development plan that uses the existing labor force, including

1056 the estimated number of construction jobs the destination resort
 1057 will generate, the development of workforce training programs
 1058 that serve the unemployed and methods for accessing employment
 1059 at the destination resort development.

1060 6. The destination resort will take additional measures to
 1061 address problem gambling, including, but not limited to,
 1062 training of gaming employees to identify patrons exhibiting
 1063 problems with gambling and providing prevention programs
 1064 targeted toward vulnerable populations.

1065 7. The destination resort will provide a market analysis
 1066 detailing the benefits of the site location and the estimated
 1067 recapture rate of gaming-related spending by residents traveling
 1068 to out-of-state gaming establishments.

1069 8. The destination resort will use sustainable development
 1070 principles.

1071 9. The destination resort will contract with local
 1072 business owners for the provision of goods and services,
 1073 including developing plans designed to assist businesses in the
 1074 state in identifying the needs for goods and services to the
 1075 establishment.

1076 10. The destination resort will mitigate potential impacts
 1077 on host and surrounding communities which might result from the
 1078 development or operation of the destination resort.

1079 11. The destination resort will purchase, whenever
 1080 possible, domestically manufactured equipment for installation
 1081 in the resort.

1082 12. The destination resort will implement a marketing
 1083 program that identifies specific goals, expressed as an overall

1084 program goal applicable to the total dollar amount of contracts,
 1085 for the utilization of:

1086 a. Minority business enterprises, women business
 1087 enterprises, and veteran business enterprises to participate as
 1088 contractors in the design of the development;

1089 b. Minority business enterprises, women business
 1090 enterprises, and veteran business enterprises to participate as
 1091 contractors in the construction of the development; and

1092 c. Minority business enterprises, women business
 1093 enterprises, and veteran business enterprises to participate as
 1094 vendors in the provision of goods and services procured by the
 1095 development and any businesses operated as part of the
 1096 development.

1097 13. The destination resort will have public support in the
 1098 host and surrounding communities which may be demonstrated
 1099 through public comment received by the department or gaming
 1100 applicant.

1101 (3) A resort license may be issued only to persons of good
 1102 moral character who are at least 21 years of age. A resort
 1103 license may be issued to a corporation only if its officers are
 1104 of good moral character and at least 21 years of age.

1105 (4) (a) A resort license may not be issued to an applicant
 1106 if the applicant, qualifier, or institutional investor:

1107 1. Has, within the last 5 years, been adjudicated by a
 1108 court or tribunal for failure to pay income, sales, or gross
 1109 receipts tax due and payable under any federal, state, or local
 1110 law, after exhaustion of all appeals or administrative remedies.

1111 2. Has been convicted of a felony under the laws of this
 1112 state, any other state, or the United States.

1113 3. Has been convicted of any violation under ch. 817 or
 1114 under a substantially similar law of another jurisdiction.

1115 4. Knowingly submitted false information in the
 1116 application for the license.

1117 5. Is an employee of the department.

1118 6. Was licensed to own or operate gaming or pari-mutuel
 1119 facilities in this state or another jurisdiction and that
 1120 license was revoked.

1121 7. Is an entity that has accepted any wager of money or
 1122 other consideration on any online gambling activity, including
 1123 poker, from any state resident since October 13, 2006. However,
 1124 this prohibition does not disqualify an applicant or
 1125 subcontractor who accepts online pari-mutuel wagers from a state
 1126 resident through a legal online pari-mutuel wagering entity
 1127 authorized in another state.

1128 8. Fails to meet any other criteria for licensure set
 1129 forth in this part.

1130 (b) As used in this subsection, the term "conviction"
 1131 includes an adjudication of guilt on a plea of guilty or nolo
 1132 contendere or the forfeiture of a bond when charged with a
 1133 crime.

1134 Section 13. Section 551.210, Florida Statutes, is created
 1135 to read:

1136 551.210 Application for destination resort license.-

1137 (1) APPLICATION.-A proposal submitted in response to a
 1138 request for proposals must include a sworn application in the

1139 format prescribed by the department. The application must
 1140 include the following information:

1141 (a)1. The name, business address, telephone number, social
 1142 security number, and, where applicable, federal tax
 1143 identification number of the applicant and each qualifier; and

1144 2. Information, documentation, and assurances concerning
 1145 financial background and resources as may be required to
 1146 establish the financial stability, integrity, and responsibility
 1147 of the applicant. This includes business and personal income and
 1148 disbursement schedules, tax returns and other reports filed with
 1149 governmental agencies, and business and personal accounting and
 1150 check records and ledgers. In addition, each applicant must
 1151 provide written authorization for the examination of all bank
 1152 accounts and records as may be deemed necessary by the
 1153 department.

1154 (b) The identity and, if applicable, the state of
 1155 incorporation or registration of any business in which the
 1156 applicant or a qualifier has an equity interest of more than 5
 1157 percent. If the applicant or qualifier is a corporation,
 1158 partnership, or other business entity, the applicant or
 1159 qualifier must identify any other corporation, partnership, or
 1160 other business entity in which it has an equity interest of more
 1161 than 5 percent, including, if applicable, the state of
 1162 incorporation or registration.

1163 (c) Documentation, as required by the department, that the
 1164 applicant has received conceptual approval of the destination
 1165 resort proposal from the municipality and county in which the
 1166 resort will be located.

1167 (d) A statement as to whether the applicant or a qualifier
 1168 has developed and operated a similar gaming facility within a
 1169 highly regulated domestic jurisdiction that allows similar forms
 1170 of development, including a description of the gaming facility,
 1171 the gaming facility's gross revenue, and the amount of revenue
 1172 the gaming facility has generated for state and local
 1173 governments within that jurisdiction.

1174 (e) A statement as to whether the applicant or a qualifier
 1175 has been indicted, convicted of, pled guilty or nolo contendere
 1176 to, or forfeited bail for any felony or for a misdemeanor
 1177 involving gambling, theft, or fraud. The statement must include
 1178 the date, the name and location of the court, the arresting
 1179 agency, the prosecuting agency, the case caption, the docket
 1180 number, the nature of the offense, the disposition of the case,
 1181 and, if applicable, the location and length of incarceration.

1182 (f) A statement as to whether the applicant or a qualifier
 1183 has ever been granted any license or certificate in any
 1184 jurisdiction which has been restricted, suspended, revoked, not
 1185 renewed, or otherwise subjected to discipline. The statement
 1186 must describe the facts and circumstances concerning that
 1187 restriction, suspension, revocation, nonrenewal, or discipline,
 1188 including the licensing authority, the date each action was
 1189 taken, and an explanation of the circumstances for each
 1190 disciplinary action.

1191 (g) A statement as to whether the applicant or qualifier
 1192 has, as a principal or a controlling shareholder, within the
 1193 last 10 years, filed for protection under the Federal Bankruptcy
 1194 Code or had an involuntary bankruptcy petition filed against it.

1195 (h) A statement as to whether the applicant or qualifier
 1196 has, within the last 5 years, been adjudicated by a court or
 1197 tribunal for failure to pay any income, sales, or gross receipts
 1198 tax due and payable under federal, state, or local law, or under
 1199 the laws of any applicable foreign jurisdiction, after
 1200 exhaustion of all appeals or administrative remedies. This
 1201 statement must identify the amount and type of the tax and the
 1202 time periods involved and must describe the resolution of the
 1203 nonpayment.

1204 (i) A list of the names and titles of any public officials
 1205 or officers of any unit of state government or of the local
 1206 government or governments in the county or municipality in which
 1207 the proposed resort is to be located, and the spouses, parents,
 1208 and children of those public officials or officers, who,
 1209 directly or indirectly, own any financial interest in, have any
 1210 beneficial interest in, are the creditors of, hold any debt
 1211 instrument issued by the applicant or a qualifier, or hold or
 1212 have an interest in any contractual or service relationship with
 1213 the applicant or qualifier. As used in this paragraph, the terms
 1214 "public official" and "officer" do not include a person who
 1215 would be listed solely because the person is a member of the
 1216 Florida National Guard.

1217 (j) The name and business telephone number of, and a
 1218 disclosure of fees paid to any attorney, lobbyist, employee,
 1219 consultant, or other person who has represented the applicant's
 1220 interests in the state for 3 years prior to the effective date
 1221 of this section or who is representing an applicant before the
 1222 department during the application process.

1223 (k) A description of the applicant's history of and
 1224 proposed plan for community involvement or investment in the
 1225 community where the resort having a limited gaming facility
 1226 would be located.

1227 (l) A description of the applicant's proposed resort,
 1228 including a map documenting the location of the facility within
 1229 the specific county or counties; a statement regarding the
 1230 compliance of the applicant with state, regional, and local
 1231 planning and zoning requirements; a description of the economic
 1232 benefit to the community in which the facility would be located;
 1233 the anticipated number of jobs generated by construction of the
 1234 facility; the anticipated number of employees; a statement
 1235 regarding how the applicant would comply with federal and state
 1236 affirmative action guidelines; a projection of admissions or
 1237 attendance at the limited gaming facility; a projection of gross
 1238 receipts; and scientific market research pertaining to the
 1239 proposed facility, if any.

1240 (m) Proof that a countywide referendum has been approved
 1241 prior to the application deadline by the electors of the county
 1242 authorizing limited gaming as defined in this chapter in that
 1243 county.

1244 (n) A schedule or timeframe for completing the resort.

1245 (o) A plan for training residents of this state for jobs
 1246 at the resort. The job-training plan must provide training to
 1247 enable low-income persons to qualify for jobs at the resort.

1248 (p) The identity of each person, association, trust, or
 1249 corporation or partnership having a direct or indirect equity
 1250 interest in the applicant of greater than 5 percent. If

1251 disclosure of a trust is required under this paragraph, the
 1252 names and addresses of the beneficiaries of the trust must also
 1253 be disclosed. If the identity of a corporation must be
 1254 disclosed, the names and addresses of all stockholders and
 1255 directors must also be disclosed. If the identity of a
 1256 partnership must be disclosed, the names and addresses of all
 1257 partners, both general and limited, must also be disclosed.

1258 (q) A destination resort and limited gaming facility
 1259 development plan and projected investment of \$2 billion pursuant
 1260 to s. 551.209.

1261 (r) The fingerprints of all officers or directors of the
 1262 applicant and qualifiers, and any persons exercising operational
 1263 or managerial control of the applicant, as determined by rule of
 1264 the department, for a criminal history record check.

1265 (s) A statement outlining the organization's diversity
 1266 plan.

1267 (t) A listing of all gaming licenses and permits the
 1268 applicant or qualifier currently possesses.

1269 (u) A listing of former or inactive officers, directors,
 1270 partners, and trustees.

1271 (v) A listing of all affiliated business entities or
 1272 holding companies, including nongaming interests.

1273 (w) Any other information the department may deem
 1274 appropriate or require during the application process as
 1275 provided by rule.

1276 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
 1277 other provision of law, the department is the sole authority for
 1278 determining the information or documentation that must be

1279 included in an application for a resort license or in an
 1280 application to renew a resort license. Such documentation and
 1281 information may relate to: demographics, education, work
 1282 history, personal background, criminal history, finances,
 1283 business information, complaints, inspections, investigations,
 1284 discipline, bonding, photographs, performance periods,
 1285 reciprocity, local government approvals, supporting
 1286 documentation, periodic reporting requirements, and fingerprint
 1287 requirements.

1288 (3) INCOMPLETE APPLICATIONS.—

1289 (a) An incomplete application for a resort license is
 1290 grounds for the denial of the application.

1291 (b) The department must refund 80 percent of the fee within
 1292 30 days after the denial of an incomplete application.

1293 (4) DUTY TO SUPPLEMENT APPLICATION.—The application shall
 1294 be supplemented as needed to reflect any material change in any
 1295 circumstance or condition stated in the application which takes
 1296 place between the initial filing of the application and the
 1297 final grant or denial of the license. Any submission required to
 1298 be in writing may otherwise be required by the department to be
 1299 made by electronic means.

1300 (5) APPLICATION FEES.—

1301 (a) The application for a resort license must be submitted
 1302 along with a nonrefundable application fee of \$1 million which
 1303 shall be deposited into the Resort Destination Trust Fund to be
 1304 used by the department to defray costs associated with the
 1305 review and investigation of the application and to conduct a
 1306 background investigation of the applicant and each qualifier. If

1307 the cost of the review and investigation exceeds \$1 million, the
 1308 applicant must pay the additional amount to the department
 1309 within 30 days after the receipt of a request for an additional
 1310 payment. Additional payments under this paragraph shall also be
 1311 deposited into the Destination Resort Trust Fund.

1312 (b) The application for a destination resort license must
 1313 be submitted with a one-time fee of \$125 million and shall be
 1314 deposited into the Destination Resort Trust Fund. If the
 1315 department denies the application, the department must refund
 1316 the fee within 30 days after the denial of the application. If
 1317 the applicant withdraws the application after the application
 1318 deadline established by the department, the department must
 1319 refund 80 percent of the fee within 30 days after the
 1320 application is withdrawn.

1321 Section 14. Section 551.211, Florida Statutes, is created
 1322 to read:

1323 551.211 Pari-mutuel permit buyback.-

1324 (1) The department may use up to \$80 million of the
 1325 application fees paid in s. 551.210(5)(b) for the purchase of up
 1326 to four pari-mutuel facilities including the underlying permits
 1327 and licenses issued under ch. 550 on or before December 31,
 1328 2018. All unexpended funds received under s. 551.210(5)(b) and
 1329 deposited into the Destination Resort Trust Fund shall be
 1330 transferred to the General Revenue Fund no later than 12 months
 1331 after an application is approved.

1332 (2) In order for a permittee to be eligible for the
 1333 department to purchase its facility, the permittee must have run

1334 a full schedule of live performances during the 2009-2010 and
 1335 2010-2011 fiscal years.

1336 (3) The purchase process shall be conducted through a
 1337 request for proposals issued by the department which commences
 1338 no longer than 90 days after the issuance or permits to operate
 1339 destination resorts.

1340 (4) The purchase price shall be determined by the
 1341 appraised value at the time of the request for proposals or \$20
 1342 million, whichever amount is less.

1343 (5) There shall be three appraisals used to determine the
 1344 purchase price. The department shall obtain two appraisals and
 1345 the permittee responding to the request for proposals shall
 1346 obtain a proposal. The department shall use the mid-tier
 1347 appraisal to determine the purchase price. Upon determination of
 1348 the purchase price, the permittee shall have 21 days to agree to
 1349 the purchase price. If the permittee declines the purchase offer
 1350 then the department shall enter into negotiations with the next
 1351 eligible applicant that responded to the request for proposals.

1352 (6) The order of preference for purchase shall be given to
 1353 facilities with the lowest total gross revenue regardless of the
 1354 product offerings the facility is entitled to offer by law.

1355 (7) Once the department has purchased a permit, the
 1356 department shall void the purchased permit and shall donate the
 1357 land from the facility to the local municipality to be retained
 1358 for the benefit of the public.

1359 Section 15. Section 551.212, Florida Statutes, is created
 1360 to read:

1361 551.212 Institutional investors as qualifiers.-

1362 (1) (a) An application for a resort license that has an
 1363 institutional investor as a qualifier need not contain
 1364 information relating to the institutional investor, other than
 1365 the identity of the investor, if the institutional investor
 1366 holds less than 15 percent of the equity or debt securities and
 1367 files a certified statement that the institutional investor does
 1368 not intend to influence or affect the affairs of the applicant
 1369 or an affiliate of the applicant and that its holdings of
 1370 securities of the applicant or affiliate were purchased for
 1371 investment purposes only.

1372 (b) The department may limit the application requirements
 1373 as provided in this subsection for an institutional investor
 1374 that is a qualifier and that holds 5 percent or more of the
 1375 equity or debt securities of an applicant or affiliate of the
 1376 applicant upon a showing of good cause and if the conditions
 1377 specified in paragraph (a) are satisfied.

1378 (2) An institutional investor that is exempt from the full
 1379 application requirements under this section and that
 1380 subsequently intends to influence or affect the affairs of the
 1381 issuer must first notify the department of its intent and file
 1382 an application containing all of the information that would have
 1383 been required of the institutional investor in the application
 1384 for a resort license. The department may deny the application if
 1385 it determines that granting the application will impair the
 1386 financial stability of the licensee or impair the ability of the
 1387 licensee to comply with its development plans or other plans
 1388 submitted to the department by the applicant or licensee.

1389 (3) An applicant for a license or a resort licensee or
 1390 affiliate shall immediately notify the department of any
 1391 information concerning an institutional investor holding its
 1392 equity or debt securities which may disqualify an institutional
 1393 investor from having a direct or indirect interest in the
 1394 applicant or licensee, and the department may require the
 1395 institutional investor to file all information that would have
 1396 been required of the institutional investor in the application
 1397 for a license.

1398 (4) If the department finds that an institutional investor
 1399 that is a qualifier fails to comply with the requirements of
 1400 subsection (1) or, if at any time the department finds that by
 1401 reason of the extent or nature of its holdings an institutional
 1402 investor is in a position to exercise a substantial impact upon
 1403 the controlling interests of a licensee, the department may
 1404 require the institutional investor to file an application
 1405 containing all of information that would have been required of
 1406 the institutional investor in the application for a license.

1407 (5) Notwithstanding paragraph (1) (b), an institutional
 1408 investor may vote on all matters that are put to the vote of the
 1409 outstanding security holders of the applicant or licensee.

1410 Section 16. Section 551.213, Florida Statutes, is created
 1411 to read:

1412 551.213 Lenders and underwriters; exemption as
 1413 qualifiers.—A bank, lending institution, or underwriter in
 1414 connection with any bank or lending institution that, in the
 1415 ordinary course of business, makes a loan to, or holds a
 1416 security interest in, a licensee or applicant, a supplier

1417 licensee or applicant or its subsidiary, or direct or indirect
 1418 parent company of any such bank, lending institution, or
 1419 underwriter is not a qualifier and is not required to be
 1420 licensed.

1421 Section 17. Section 551.214, Florida Statutes, is created
 1422 to read:

1423 551.214 Conditions for a resort license.—As a condition to
 1424 licensure and to maintain continuing authority, a resort
 1425 licensee must:

1426 (1) Comply with this part and the rules of the department.

1427 (2) Allow the department and the Department of Law
 1428 Enforcement unrestricted access to and right of inspection of
 1429 facilities of the licensee in which any activity relative to the
 1430 conduct of gaming is conducted.

1431 (3) Complete the resort in accordance with the plans and
 1432 timeframe proposed to the department in its application, unless
 1433 an extension is granted by the department. The department may
 1434 grant such an extension, not to exceed 1 year after the original
 1435 planned completion date, upon good cause shown by the licensee.

1436 (4) Ensure that the facilities-based computer system that
 1437 the licensee will use for operational and accounting functions
 1438 of the facility is specifically structured to facilitate
 1439 regulatory oversight. The facilities-based computer system shall
 1440 be designed to provide the department and the Department of Law
 1441 Enforcement with the ability to monitor, at any time on a real-
 1442 time basis, the wagering patterns, payouts, tax collection, and
 1443 such other operations as necessary to determine whether the
 1444 facility is in compliance with statutory provisions and rules

1445 adopted by the department for the regulation and control of
 1446 gaming. The department and the Department of Law Enforcement
 1447 shall have complete and continuous access to this system. Such
 1448 access shall include the ability of either the department or the
 1449 Department of Law Enforcement to suspend play immediately on
 1450 particular slot machines or gaming devices if monitoring of the
 1451 system indicates possible tampering or manipulation of those
 1452 slot machines or gaming devices or the ability to suspend play
 1453 immediately of the entire operation if the tampering or
 1454 manipulation is of the computer system itself. The computer
 1455 system shall be reviewed and approved by the department to
 1456 ensure necessary access, security, and functionality. However,
 1457 neither the department nor the Department of Law Enforcement
 1458 shall have the ability to alter any data. The department may
 1459 adopt rules to provide for the approval process.

1460 (5) Ensure that each game, slot machine, or other gaming
 1461 device is protected from manipulation or tampering that may
 1462 affect the random probabilities of winning plays. The department
 1463 or the Department of Law Enforcement may suspend play upon
 1464 reasonable suspicion of any manipulation or tampering. If play
 1465 has been suspended on any game, slot machine, or other gaming
 1466 device, the department or the Department of Law Enforcement may
 1467 conduct an examination to determine whether the game, machine,
 1468 or other gaming device has been tampered with or manipulated and
 1469 whether the game, machine, or other gaming device should be
 1470 returned to operation.

1471 (6) Submit a security plan, including the facilities'
 1472 floor plans, the locations of security cameras, and a listing of

1473 all security equipment that is capable of observing and
 1474 electronically recording activities being conducted in the
 1475 facilities of the licensee. The security plan must meet the
 1476 minimum security requirements as determined by the department
 1477 and be implemented before the operation of gaming. The
 1478 licensee's facilities must adhere to the security plan at all
 1479 times. Any changes to the security plan must be submitted by the
 1480 licensee to the department prior to implementation. The
 1481 department shall furnish copies of the security plan and changes
 1482 in the plan to the Department of Law Enforcement.

1483 (7) Create and file with the department a written policy
 1484 for:

1485 (a) Creating opportunities to purchase from vendors in
 1486 this state.

1487 (b) Creating opportunities for the employment of residents
 1488 of this state.

1489 (c) Ensuring opportunities for obtaining construction
 1490 services from residents and vendors in this state.

1491 (d) Ensuring that opportunities for employment are offered
 1492 on an equal, nondiscriminatory basis.

1493 (e) Training employees on responsible gaming and working
 1494 with a compulsive or addictive gambling prevention program.

1495 (f) Implementing a drug-testing program for each
 1496 occupational licensee that includes, but is not limited to,
 1497 requiring such person to sign an agreement that he or she
 1498 understands that the resort is a drug-free workplace.

1499 (g) Using the Internet-based job-listing system of the
 1500 Department of Economic Opportunity in advertising employment
 1501 opportunities.

1502 (h) Ensuring that the payout percentage of each slot
 1503 machine is at least 90 percent.

1504 (8) File with the department detailed documentation of the
 1505 applicant's, its affiliates', or any holding company's history
 1506 of using labor in any jurisdiction that would fall outside of
 1507 ages defined in ch. 450.

1508 (9) Keep and maintain permanent daily records of its
 1509 limited gaming operations and maintain such records for a period
 1510 of not less than 5 years. These records must include all
 1511 financial transactions and contain sufficient detail to
 1512 determine compliance with the requirements of this part. All
 1513 records shall be available for audit and inspection by the
 1514 department, the Department of Law Enforcement, or other law
 1515 enforcement agencies during the resort licensee's regular
 1516 business hours.

1517 Section 18. Section 551.215, Florida Statutes, is created
 1518 to read:

1519 551.215 Surety bond.—A destination resort licensee must,
 1520 at its own cost and expense, before the license is delivered,
 1521 give a bond in the penal sum to be determined by the department
 1522 payable to the Governor of the state and his or her successors
 1523 in office. The bond must be issued by a surety or sureties
 1524 approved by the department and the Chief Financial Officer and
 1525 the bond must be conditioned on the licensee faithfully making
 1526 the required payments to the Chief Financial Officer in his or

1527 her capacity as treasurer of the department, keeping the
 1528 licensee's books and records and make reports as provided, and
 1529 conducting its limited gaming activities in conformity with this
 1530 part. The department shall fix the amount of the bond at the
 1531 total amount of annual license fees and the taxes estimated to
 1532 become due as determined by the department. In lieu of a bond,
 1533 an applicant or licensee may deposit with the department a like
 1534 amount of funds, a savings certificate, a certificate of
 1535 deposit, an investment certificate, or a letter of credit from a
 1536 bank, savings bank, credit union, or savings and loan
 1537 association situated in this state which meets the requirements
 1538 set for that purpose by the Chief Financial Officer. If security
 1539 is provided in the form of a savings certificate, a certificate
 1540 of deposit, or an investment certificate, the certificate must
 1541 state that the amount is unavailable for withdrawal except upon
 1542 order of the department. The department may review the bond or
 1543 other security for adequacy and require adjustments, including
 1544 increasing the amount of the bond and other security. The
 1545 department may adopt rules to administer this section and
 1546 establish guidelines for such bonds or other securities.

1547 Section 19. Section 551.216, Florida Statutes, is created
 1548 to read:

1549 551.216 Conduct of limited gaming.—

1550 (1) Limited gaming may be conducted by a resort licensee,
 1551 subject to the following:

1552 (a) The site of the limited gaming facility is limited to
 1553 the resort licensee's site location as approved by the
 1554 department.

1555 (b) The department's agents and employees may enter and
 1556 inspect a limited gaming facility or other facilities relating
 1557 to a resort licensee's gaming operations at any time for the
 1558 purpose of determining whether the licensee is in compliance
 1559 with this part.

1560 (c) A resort licensee may lease or purchase gaming
 1561 devices, equipment, or supplies customarily used in conducting
 1562 gaming only from a licensed supplier.

1563 (d) A resort licensee may not permit any form of wagering
 1564 on games except as permitted by this part.

1565 (e) A resort licensee may receive wagers only from a
 1566 person present in the limited gaming facility.

1567 (f) A resort licensee may not permit wagering using money
 1568 or other negotiable currency except for wagering on slot
 1569 machines.

1570 (g) A resort licensee may not permit a person who has not
 1571 attained 21 years of age to engage in gaming activity or remain
 1572 in an area of a limited gaming facility where gaming is being
 1573 conducted, except for a limited gaming employee of the resort
 1574 licensee who is at least 18 years of age.

1575 (h) A resort licensee may not sell or distribute tokens,
 1576 chips, or electronic cards used to make wagers outside the
 1577 limited gaming facility. The tokens, chips, or electronic cards
 1578 may be purchased by means of an agreement under which the
 1579 licensee extends credit to a wagerer. The tokens, chips, or
 1580 electronic cards may be used only for the purpose of making
 1581 wagers on games within a limited gaming facility.

1582 (i) A resort licensee may not conduct business with a
 1583 junket enterprise, except for a junket operator employed full
 1584 time by that licensee.

1585 (j) All gaming activities must be conducted in accordance
 1586 with department rules.

1587 (k) Limited gaming may not be conducted by a resort
 1588 licensee until the resort is completed according to the proposal
 1589 approved by the department.

1590 (2) A limited gaming facility may operate 24 hours per
 1591 day, every day of the year.

1592 (3) A resort licensee may set the minimum and maximum
 1593 wagers on all games.

1594 (4) A resort licensee shall give preference in employment,
 1595 reemployment, promotion, and retention to veterans and to the
 1596 persons included under s. 295.07(1) who possess the minimum
 1597 qualifications necessary to perform the duties of the positions
 1598 involved.

1599 (5) A resort licensee, its affiliates, directors, and
 1600 employees shall be subject to all applicable federal, state, and
 1601 local laws. Such licensees, affiliates, directors, and employees
 1602 shall subject themselves to jurisdiction of the Federal
 1603 Government and the government of this state and acceptance of a
 1604 license shall be considered an affirmative waiver of extradition
 1605 to the United States from a foreign country.

1606 (6) The department shall renew a resort license if:

1607 (a) The licensee has demonstrated an effort to increase
 1608 tourism, generate jobs, provide revenue to the local economy,
 1609 and provide revenue to the state General Revenue Fund.

1610 (b) The department has not suspended or revoked the
 1611 license of the licensee.

1612 (c) The licensee continues to satisfy all the requirements
 1613 of the initial application for licensure.

1614 Section 20. Section 551.218, Florida Statutes, is created
 1615 to read:

1616 551.218 License fee; tax rate; disposition.—

1617 (1) LICENSE FEE.—On the anniversary date of the issuance
 1618 of the initial resort license and annually thereafter, the
 1619 licensee must pay to the department a nonrefundable annual
 1620 license fee of \$5 million. Of this amount, \$1 million shall be
 1621 deposited into the Destination Resort Trust Fund and \$4 million
 1622 shall be deposited with the Chief Financial Officer to the
 1623 credit of the General Revenue Fund. The license shall be renewed
 1624 annually, unless the department has revoked the license for a
 1625 violation of this part or rule of the department. The portion of
 1626 the license fee deposited into the Destination Resort Trust Fund
 1627 shall be used by the department and the Department of Law
 1628 Enforcement for investigations, regulation of limited gaming,
 1629 and enforcement of this part.

1630 (2) GROSS RECEIPTS TAX.—

1631 (a) Each resort licensee shall pay a gross receipts tax on
 1632 its gross receipts to the state which shall be deposited with
 1633 the Chief Financial Officer to the credit of the General Revenue
 1634 Fund. Upon completion of the resort and before limited gaming
 1635 may be conducted, the resort licensee must submit proof, as
 1636 required by the department, of the total investment made in the
 1637 construction of the resort. Upon submission of this information,

1638 the gross receipts tax rate shall be 10 percent of the gross
 1639 receipts.

1640 (b) If the combined revenues from payments made to the
 1641 state pursuant to the 2010 revenue sharing agreement between the
 1642 State of Florida and the Seminole Tribe of Florida and the tax
 1643 and license fees collected from slot machine licensees are
 1644 reduced in any fiscal year after a resort destination facility
 1645 commences limited gaming, a surcharge shall be paid to the state
 1646 within 90 days after each fiscal year end by each slot licensee
 1647 and limited gaming licensee.

1648 1. The surcharge shall be an amount equal to the
 1649 difference in revenues received by the state in the immediate
 1650 preceding fiscal year.

1651 2. Each licensee's pro-rata share shall be an amount based
 1652 on the licensee's portion of the tax revenue paid to the state
 1653 in that current fiscal year.

1654 (3) TAX PROCEEDS.—The gross receipts tax and any
 1655 surcharges pursuant to paragraph (2)(a) shall be deposited with
 1656 the Chief Financial Officer to the credit of the General Revenue
 1657 Fund.

1658 Section 21. Section 551.219, Florida Statutes, is created
 1659 to read:

1660 551.219 Fingerprint requirements.—Any fingerprints
 1661 required to be taken under this part must be taken in a manner
 1662 approved by, and shall be submitted electronically by the
 1663 department to, the Department of Law Enforcement. The Department
 1664 of Law Enforcement shall submit the results of the state and
 1665 national records check to the department. The department shall

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1666 consider the results of the state and national records check in
1667 evaluating an application for any license.

1668 (1) The cost of processing fingerprints and conducting a
1669 criminal history record check shall be borne by the applicant.
1670 The Department of Law Enforcement may submit a monthly invoice
1671 to the department for the cost of processing the fingerprints
1672 submitted.

1673 (2) All fingerprints submitted to the Department of Law
1674 Enforcement pursuant to this part shall be retained by the
1675 Department of Law Enforcement and entered into the statewide
1676 automated fingerprint identification system as authorized by s.
1677 943.05(2)(b) and shall be available for all purposes and uses
1678 authorized for arrest fingerprint cards entered into the
1679 statewide automated fingerprint identification system pursuant
1680 to s. 943.051.

1681 (3) The Department of Law Enforcement shall search all
1682 arrest fingerprints received pursuant to s. 943.051, against the
1683 fingerprints retained in the statewide automated fingerprint
1684 identification system. Any arrest record that is identified with
1685 the retained fingerprints of a person subject to the criminal
1686 history screening under this part shall be reported to the
1687 department. Each licensee shall pay a fee to the department for
1688 the cost of retention of the fingerprints and the ongoing
1689 searches under this subsection. The department shall forward the
1690 payment to the Department of Law Enforcement. The amount of the
1691 fee to be imposed for performing these searches and the
1692 procedures for the retention of licensee fingerprints shall be
1693 as established by rule of the Department of Law Enforcement. The

1694 department shall inform the Department of Law Enforcement of any
 1695 change in the license status of licensees whose fingerprints are
 1696 retained under subsection (2).

1697 (4) The department shall request the Department of Law
 1698 Enforcement to forward the fingerprints to the Federal Bureau of
 1699 Investigation for a national criminal history records check
 1700 every 3 years following issuance of a license. If the
 1701 fingerprints of a person who is licensed have not been retained
 1702 by the Department of Law Enforcement, the person must file
 1703 another set of fingerprints. The department shall collect the
 1704 fees for the cost of the national criminal history record check
 1705 under this subsection and shall forward the payment to the
 1706 Department of Law Enforcement. The cost of processing
 1707 fingerprints and conducting a criminal history record check
 1708 under this subsection shall be borne by the licensee or
 1709 applicant. The Department of Law Enforcement may submit an
 1710 invoice to the department for the fingerprints submitted each
 1711 month. Under penalty of perjury, each person who is licensed or
 1712 who is fingerprinted as required by this section must agree to
 1713 inform the department within 48 hours if he or she is convicted
 1714 of or has entered a plea of guilty or nolo contendere to any
 1715 disqualifying offense, regardless of adjudication.

1716 Section 22. Section 551.221, Florida Statutes, is created
 1717 to read:

1718 551.221 Supplier licenses.—

1719 (1) A person must have a supplier license in order to
 1720 furnish on a regular or continuing basis to a resort licensee or
 1721 an applicant for a resort license gaming equipment, devices, or

1722 supplies or other goods or services regarding the operation of
 1723 limited gaming at the facility.

1724 (2) An applicant for a supplier license must apply to the
 1725 department on forms adopted by the department by rule. The
 1726 licensing fee for the initial and annual renewal of the license
 1727 shall be a scale of fees determined by rule of the department
 1728 based on the type of service provided by the supplier but may
 1729 not exceed \$25,000.

1730 (3) An applicant for a supplier license must include in
 1731 the application the fingerprints of the persons identified by
 1732 department rule for the processing of state and national
 1733 criminal history record checks.

1734 (4) (a) An applicant for a supplier license is not eligible
 1735 for licensure if:

1736 1. A person for whom fingerprinting is required under
 1737 subsection (3) has been convicted of a felony under the laws of
 1738 this state, any other state, or the United States;

1739 2. The applicant knowingly submitted false information in
 1740 the application for a supplier license;

1741 3. The applicant is an employee of the department;

1742 4. The applicant is not a natural person and an officer,
 1743 director, or managerial employee of that person is a person
 1744 described in subparagraphs 1.-3.;

1745 5. The applicant is not a natural person and an employee
 1746 of the applicant participates in the management or operation of
 1747 limited gaming authorized under this part; or

1748 6. The applicant has had a license to own or operate a
 1749 resort facility or pari-mutuel facility in this state, or a
 1750 similar license in any other jurisdiction, revoked.

1751 (b) The department may revoke a supplier license at any
 1752 time it determines that the licensee no longer satisfies the
 1753 eligibility requirements in this subsection.

1754 (5) The department may deny an application for a supplier
 1755 license for any person who:

1756 (a) Is not qualified to perform the duties required of a
 1757 licensee;

1758 (b) Fails to disclose information or knowingly submits
 1759 false information in the application;

1760 (c) Has violated this part or rules of the department; or

1761 (d) Has had a gaming-related license or application
 1762 suspended, restricted, revoked, or denied for misconduct in any
 1763 other jurisdiction.

1764 (6) A supplier licensee shall:

1765 (a) Furnish to the department a list of all gaming
 1766 equipment, devices, and supplies it offers for sale or lease in
 1767 connection with limited gaming authorized in this part;

1768 (b) Keep books and records documenting the furnishing of
 1769 gaming equipment, devices, and supplies to resort licensees
 1770 separate and distinct from any other business that the supplier
 1771 operates;

1772 (c) File quarterly returns with the department listing all
 1773 sales or leases of gaming equipment, devices, or supplies to
 1774 resort licensees;

1775 (d) Permanently affix its name to all gaming equipment,
 1776 devices, or supplies sold or leased to licensees; and
 1777 (e) File an annual report listing its inventories of
 1778 gaming equipment, devices, and supplies, including the locations
 1779 of such equipment.
 1780 (7) All gaming devices, equipment, or supplies furnished
 1781 by a licensed supplier must conform to standards adopted by
 1782 department rule.
 1783 (8) (a) The department may suspend, revoke, or restrict the
 1784 supplier license of a licensee who:
 1785 1. Violates this part or the rules of the department; or
 1786 2. Defaults on the payment of any obligation or debt due
 1787 to this state or a county.
 1788 (b) The department must revoke the supplier license of a
 1789 licensee for any cause that, if known to the department, would
 1790 have disqualified the applicant from receiving a license.
 1791 (9) A supplier licensee may repair gaming equipment,
 1792 devices, or supplies in a facility owned or leased by the
 1793 licensee.
 1794 (10) Gaming devices, equipment, or supplies owned by a
 1795 supplier licensee which are used in an unauthorized gaming
 1796 operation shall be forfeited to the county where the equipment
 1797 is found.
 1798 (11) The department may revoke the license or deny the
 1799 application for a supplier license of a person who fails to
 1800 comply with this section.
 1801 (12) A person who knowingly makes a false statement on an
 1802 application for a supplier license commits a misdemeanor of the

1803 first degree, punishable as provided in s. 775.082 or s.
 1804 775.083.

1805 Section 23. Section 551.222, Florida Statutes, is created
 1806 to read:

1807 551.222 Occupational licenses.—

1808 (1) The Legislature finds that, due to the nature of their
 1809 employment, some gaming employees require heightened state
 1810 scrutiny, including licensing and criminal history record
 1811 checks.

1812 (2) Any person who desires to be a gaming employee and has
 1813 a bona fide offer of employment from a licensed gaming entity
 1814 shall apply to the department for an occupational license. A
 1815 person may not be employed as a gaming employee unless that
 1816 person holds an appropriate occupational license issued under
 1817 this section. The department may adopt rules to reclassify a
 1818 category of nongaming employees or gaming employees upon a
 1819 finding that the reclassification is in the public interest and
 1820 consistent with the objectives of this part.

1821 (3) An applicant for an occupational license must apply to
 1822 the department on forms adopted by the department by rule. An
 1823 occupational license is valid for 4 years following issuance.
 1824 The application must be accompanied by the licensing fee set by
 1825 the department. The licensing fee may not exceed \$250 for an
 1826 employee of a resort licensee.

1827 (a) The applicant shall set forth in the application
 1828 whether the applicant:

1829 1. Has been issued a gaming-related license in any
 1830 jurisdiction.

1831 2. Has been issued a gaming-related license in any other
 1832 jurisdiction under any other name and, if so, the name and the
 1833 applicant's age at the time of licensure.

1834 3. Has had a permit or license issued by another
 1835 jurisdiction suspended, restricted, or revoked and, if so, for
 1836 what period of time.

1837 (b) An applicant for an occupational license must include
 1838 his or her fingerprints in the application.

1839 (4) To be eligible for an occupational license, an
 1840 applicant must:

1841 (a) Be at least 21 years of age to perform any function
 1842 directly relating to limited gaming by patrons;

1843 (b) Be at least 18 years of age to perform nongaming
 1844 functions;

1845 (c) Not have been convicted of a felony or a crime
 1846 involving dishonesty or moral turpitude in any jurisdiction; and

1847 (d) Meet the standards for the occupational license as
 1848 provided in department rules.

1849 (5) The department must deny an application for an
 1850 occupational license for any person who:

1851 (a) Is not qualified to perform the duties required of a
 1852 licensee;

1853 (b) Fails to disclose or knowingly submits false
 1854 information in the application;

1855 (c) Has violated this part; or

1856 (d) Has had a gaming-related license or application
 1857 suspended, revoked, or denied in any other jurisdiction.

1858 (6) (a) The department may suspend, revoke, or restrict the
 1859 occupational license of a licensee:

1860 1. Who violates this part or the rules of the department;

1861 2. Who defaults on the payment of any obligation or debt
 1862 due to this state or a county; or

1863 3. For any just cause.

1864 (b) The department shall revoke the occupational license
 1865 of a licensee for any cause that, if known to the department,
 1866 would have disqualified the applicant from receiving a license.

1867 (7) Any training provided for an occupational licensee may
 1868 be conducted in the facility of a resort licensee or at a school
 1869 with which the resort licensee has entered into an agreement for
 1870 that purpose.

1871 (8) A licensed travel agent whose commission or
 1872 compensation from a licensee is derived solely from the price of
 1873 the transportation or lodging arranged for by the travel agent
 1874 is not required to have an occupational license.

1875 (9) A person who knowingly makes a false statement on an
 1876 application for an occupational license commits a misdemeanor of
 1877 the first degree, punishable as provided in s. 775.082 or s.
 1878 775.083.

1879 Section 24. Section 551.223, Florida Statutes, is created
 1880 to read:

1881 551.223 Temporary supplier license; temporary occupational
 1882 license.—

1883 (1) Upon the written request of an applicant for a
 1884 supplier license or an occupational license, the department
 1885 shall issue a temporary license to the applicant and permit the

1886 applicant to undertake employment with or provide gaming
 1887 equipment, devices, or supplies or other goods or services to a
 1888 resort licensee or an applicant for a resort license if:

1889 (a) The applicant has submitted a completed application,
 1890 an application fee, all required disclosure forms, and other
 1891 required written documentation and materials;

1892 (b) A preliminary review of the application and the
 1893 criminal history record check does not reveal that the applicant
 1894 or a person subject to a criminal history record check has been
 1895 convicted of a crime that would require denial of the
 1896 application;

1897 (c) A deficiency does not appear to exist in the
 1898 application which may require denial of the application; and

1899 (d) The applicant has an offer of employment from, or an
 1900 agreement to begin providing gaming devices, equipment, or
 1901 supplies or other goods and services to, a resort licensee or an
 1902 applicant for a resort license, or the applicant for a temporary
 1903 license shows good cause for being granted a temporary license.

1904 (2) An initial temporary occupational license or
 1905 supplier's license may not be valid for more than 90 days;
 1906 however, a temporary occupational license may be renewed one
 1907 time for an additional 90 days.

1908 (3) An applicant who receives a temporary license may
 1909 undertake employment with or supply a resort licensee with
 1910 gaming devices, equipment, or supplies or other goods or
 1911 services until a license is issued or denied or until the
 1912 temporary license expires or is suspended or revoked.

1913 Section 25. Section 551.225, Florida Statutes, is created
 1914 to read:

1915 551.225 Quarterly report.—The department shall file
 1916 quarterly reports with the Governor and Cabinet covering the
 1917 previous fiscal quarter. Each report must include:

1918 (1) A statement of receipts and disbursements related to
 1919 limited gaming.

1920 (2) A summary of disciplinary actions taken by the
 1921 department.

1922 (3) Any additional information and recommendations that
 1923 the department believes may improve the regulation of limited
 1924 gaming or increase the economic benefits of limited gaming to
 1925 this state.

1926 Section 26. Section 551.227, Florida Statutes, is created
 1927 to read:

1928 551.227 Resolution of disputes between licensees and
 1929 wagerers.—

1930 (1) (a) The licensee must immediately notify the department
 1931 of a dispute whenever a resort licensee has a dispute with a
 1932 wagerer which is not resolved to the satisfaction of the patron
 1933 if the amount disputed is \$500 or more and involves:

1934 1. Alleged winnings, alleged losses, or the award or
 1935 distribution of cash, prizes, benefits, tickets, or any other
 1936 item or items in a game, tournament, contest, drawing,
 1937 promotion, race, or similar activity or event; or

1938 2. The manner in which a game, tournament, contest,
 1939 drawing, promotion, race, or similar activity or event was
 1940 conducted.

1941 (b) If the dispute involves an amount less than \$500, the
 1942 licensee must immediately notify the wagerer of his or her right
 1943 to file a complaint with the department.

1944 (2) Upon notice of a dispute or receipt of a complaint,
 1945 the department shall conduct any investigation it deems
 1946 necessary and may order the licensee to make a payment to the
 1947 wagerer upon a finding that the licensee is liable for the
 1948 disputed amount. The decision of the department is effective on
 1949 the date the aggrieved party receives notice of the decision.
 1950 Notice of the decision is deemed sufficient if it is mailed to
 1951 the last known address of the licensee and the wagerer. The
 1952 notice is deemed to have been received by the resort licensee or
 1953 the wagerer 5 days after it is deposited with the United States
 1954 Postal Service with postage prepaid.

1955 (3) The failure of a resort licensee to notify the
 1956 department of the dispute or the wagerer of the right to file a
 1957 complaint is grounds for disciplinary action.

1958 (4) This section may not be construed to deny a wagerer an
 1959 opportunity to make a claim in state court for nongaming-related
 1960 issues.

1961 Section 27. Section 551.228, Florida Statutes, is created
 1962 to read:

1963 551.228 Enforcement of credit instruments.—

1964 (1) A credit instrument and the debt that instrument
 1965 represents are valid and may be enforced by legal process.

1966 (2) A resort licensee may accept an incomplete credit
 1967 instrument that is signed by the patron and states the amount of

1968 the debt in numbers and may complete the instrument as is
 1969 necessary for the instrument to be presented for payment.

1970 (3) A resort licensee may accept a credit instrument that
 1971 is payable to an affiliate or may complete a credit instrument
 1972 payable to an affiliate if the credit instrument otherwise
 1973 complies with this section and the records of the affiliate
 1974 pertaining to the credit instrument are made available to the
 1975 department upon request.

1976 (4) A resort licensee may accept a credit instrument
 1977 before, during, or after the patron incurs the debt. The credit
 1978 instrument and the debt that the instrument represents are
 1979 enforceable without regard to whether the credit instrument was
 1980 accepted before, during, or after the incurring of the debt.

1981 (5) This section does not prohibit the establishment of an
 1982 account by a deposit of cash, recognized traveler's check, or
 1983 any other instrument that is equivalent to cash.

1984 (6) If a credit instrument is lost or destroyed, the debt
 1985 represented by the credit instrument may be enforced if the
 1986 resort licensee or person acting on behalf of the licensee can
 1987 prove the existence of the credit instrument.

1988 (7) The existence of a mental disorder in a patron who
 1989 provides a credit instrument to a resort licensee:

1990 (a) Is not a defense in any action by a resort licensee to
 1991 enforce a credit instrument or the debt that the credit
 1992 instrument represents.

1993 (b) Is not a valid counterclaim in an action to enforce
 1994 the credit instrument or the debt that the credit instrument
 1995 represents.

1996 (8) The failure of a resort licensee to comply with this
 1997 section or department rules does not invalidate a credit
 1998 instrument or affect its ability to enforce the credit
 1999 instrument or the debt that the credit instrument represents.

2000 (9) The department may adopt rules prescribing the
 2001 conditions under which a credit instrument may be redeemed or
 2002 presented to a bank, credit union, or other financial
 2003 institution for collection or payment.

2004 (10) A violation of these regulatory requirements only
 2005 states a basis for disciplinary action for the department.

2006 Section 28. Section 551.230, Florida Statutes, is created
 2007 to read:

2008 551.230 Compulsive or addictive gambling prevention
 2009 program.—

2010 (1) A resort licensee shall offer training to employees on
 2011 responsible gaming and shall work with a compulsive or addictive
 2012 gambling prevention program to recognize problem gaming
 2013 situations and to implement responsible gaming programs and
 2014 practices.

2015 (2) The department shall, subject to competitive bidding,
 2016 contract for services relating to the prevention of compulsive
 2017 and addictive gambling. The contract shall provide for an
 2018 advertising program to encourage responsible gaming practices
 2019 and to publicize a gambling telephone help line. Such
 2020 advertisements must be made both publicly and inside the
 2021 resort's limited gaming facility. The terms of any contract for
 2022 such services shall include accountability standards that must
 2023 be met by any private provider. The failure of a private

2024 provider to meet any material terms of the contract, including
 2025 the accountability standards, constitutes a breach of contract
 2026 or is grounds for nonrenewal. The department may consult with
 2027 the Department of the Lottery or the Department of Business and
 2028 Professional Regulation in the development of the program and
 2029 the development and analysis of any procurement for contractual
 2030 services for the compulsive or addictive gambling prevention
 2031 program.

2032 (3) The compulsive or addictive gambling prevention
 2033 program shall be funded from an annual nonrefundable regulatory
 2034 fee of \$250,000 paid by each resort licensee to the department.

2035 Section 29. Section 551.231, Florida Statutes, is created
 2036 to read:

2037 551.231 Voluntary self-exclusion from a limited gaming
 2038 facility.—

2039 (1) A person may request that he or she be excluded from
 2040 limited gaming facilities in this state by personally submitting
 2041 a Request for Voluntary Self-exclusion from Limited Gaming
 2042 Facilities Form to the department. The form must require the
 2043 person requesting exclusion to:

2044 (a) State his or her:

2045 1. Name, including any aliases or nicknames;

2046 2. Date of birth;

2047 3. Current residential address;

2048 4. Telephone number;

2049 5. Social security number; and

2050 6. Physical description, including height, weight, gender,
 2051 hair color, eye color, and any other physical characteristic
 2052 that may assist in the identification of the person.

2053
 2054 A self-excluded person must update the information in this
 2055 paragraph on forms supplied by the department within 30 days
 2056 after any change.

2057 (b) Select one of the following as the duration of the
 2058 self-exclusion:

- 2059 1. One year.
- 2060 2. Five years.
- 2061 3. Lifetime.

2062 (c) Execute a release in which the person:

- 2063 1. Acknowledges that the request for exclusion has been
 2064 made voluntarily.
- 2065 2. Certifies that the information provided in the request
 2066 for self-exclusion is true and correct.
- 2067 3. Acknowledges that the individual requesting self-
 2068 exclusion is a problem gambler.
- 2069 4. Acknowledges that a person requesting a lifetime
 2070 exclusion will not be removed from the self-exclusion list and
 2071 that a person requesting a 1-year or 5-year exclusion will
 2072 remain on the self-exclusion list until a request for removal is
 2073 approved by the department.

2074 5. Acknowledges that, if the individual is discovered on
 2075 the gaming floor of a limited gaming facility, the individual
 2076 may be removed and may be arrested and prosecuted for criminal
 2077 trespass.

2078 6. Releases, indemnifies, holds harmless, and forever
 2079 discharges the state, department, and all licensee from any
 2080 claims, damages, losses, expenses, or liability arising out of,
 2081 by reason of or relating to the self-excluded person or to any
 2082 other party for any harm, monetary or otherwise, which may arise
 2083 as a result of one or more of the following:

2084 a. The failure of a resort licensee to withhold gaming
 2085 privileges from or restore gaming privileges to a self-excluded
 2086 person.

2087 b. Permitting or prohibiting a self-excluded person from
 2088 engaging in gaming activity in a limited gaming facility.

2089 (2) A person submitting a self-exclusion request must
 2090 present to the department a government-issued form of
 2091 identification containing the person's signature.

2092 (3) The department shall take a photograph of a person
 2093 requesting self-exclusion at the time the person submits a
 2094 request for self-exclusion.

2095 Section 30. Paragraph (a) of subsection (2) of section
 2096 561.20, Florida Statutes, is amended to read:

2097 561.20 Limitation upon number of licenses issued.—

2098 (2) (a) No such limitation of the number of licenses as
 2099 herein provided shall henceforth prohibit the issuance of a
 2100 special license to:

2101 1. Any bona fide hotel, motel, or motor court of not fewer
 2102 than 80 guest rooms in any county having a population of less
 2103 than 50,000 residents, and of not fewer than 100 guest rooms in
 2104 any county having a population of 50,000 residents or greater;
 2105 or any bona fide hotel or motel located in a historic structure,

2106 as defined in s. 561.01(21), with fewer than 100 guest rooms
 2107 which derives at least 51 percent of its gross revenue from the
 2108 rental of hotel or motel rooms, which is licensed as a public
 2109 lodging establishment by the Division of Hotels and Restaurants;
 2110 provided, however, that a bona fide hotel or motel with no fewer
 2111 than 10 and no more than 25 guest rooms which is a historic
 2112 structure, as defined in s. 561.01(21), in a municipality that
 2113 on the effective date of this act has a population, according to
 2114 the University of Florida's Bureau of Economic and Business
 2115 Research Estimates of Population for 1998, of no fewer than
 2116 25,000 and no more than 35,000 residents and that is within a
 2117 constitutionally chartered county may be issued a special
 2118 license. This special license shall allow the sale and
 2119 consumption of alcoholic beverages only on the licensed premises
 2120 of the hotel or motel. In addition, the hotel or motel must
 2121 derive at least 60 percent of its gross revenue from the rental
 2122 of hotel or motel rooms and the sale of food and nonalcoholic
 2123 beverages; provided that the provisions of this subparagraph
 2124 shall supersede local laws requiring a greater number of hotel
 2125 rooms;

2126 2. Any condominium accommodation of which no fewer than
 2127 100 condominium units are wholly rentable to transients and
 2128 which is licensed under the provisions of chapter 509, except
 2129 that the license shall be issued only to the person or
 2130 corporation which operates the hotel or motel operation and not
 2131 to the association of condominium owners;

2132 3. Any condominium accommodation of which no fewer than 50
 2133 condominium units are wholly rentable to transients, which is

2134 licensed under the provisions of chapter 509, and which is
 2135 located in any county having home rule under s. 10 or s. 11,
 2136 Art. VIII of the State Constitution of 1885, as amended, and
 2137 incorporated by reference in s. 6(e), Art. VIII of the State
 2138 Constitution, except that the license shall be issued only to
 2139 the person or corporation which operates the hotel or motel
 2140 operation and not to the association of condominium owners;

2141 4. Any restaurant having 2,500 square feet of service area
 2142 and equipped to serve 150 persons full course meals at tables at
 2143 one time, and deriving at least 51 percent of its gross revenue
 2144 from the sale of food and nonalcoholic beverages; however, no
 2145 restaurant granted a special license on or after January 1,
 2146 1958, pursuant to general or special law shall operate as a
 2147 package store, nor shall intoxicating beverages be sold under
 2148 such license after the hours of serving food have elapsed; or

2149 5. Any caterer, deriving at least 51 percent of its gross
 2150 revenue from the sale of food and nonalcoholic beverages,
 2151 licensed by the Division of Hotels and Restaurants under chapter
 2152 509. Notwithstanding any other provision of law to the contrary,
 2153 a licensee under this subparagraph shall sell or serve alcoholic
 2154 beverages only for consumption on the premises of a catered
 2155 event at which the licensee is also providing prepared food, and
 2156 shall prominently display its license at any catered event at
 2157 which the caterer is selling or serving alcoholic beverages. A
 2158 licensee under this subparagraph shall purchase all alcoholic
 2159 beverages it sells or serves at a catered event from a vendor
 2160 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
 2161 565.02(1) subject to the limitation imposed in subsection (1),

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2162 as appropriate. A licensee under this subparagraph may not store
 2163 any alcoholic beverages to be sold or served at a catered event.
 2164 Any alcoholic beverages purchased by a licensee under this
 2165 subparagraph for a catered event that are not used at that event
 2166 must remain with the customer; provided that if the vendor
 2167 accepts unopened alcoholic beverages, the licensee may return
 2168 such alcoholic beverages to the vendor for a credit or
 2169 reimbursement. Regardless of the county or counties in which the
 2170 licensee operates, a licensee under this subparagraph shall pay
 2171 the annual state license tax set forth in s. 565.02(1)(b). A
 2172 licensee under this subparagraph must maintain for a period of 3
 2173 years all records required by the department by rule to
 2174 demonstrate compliance with the requirements of this
 2175 subparagraph, including licensed vendor receipts for the
 2176 purchase of alcoholic beverages and records identifying each
 2177 customer and the location and date of each catered event.
 2178 Notwithstanding any provision of law to the contrary, any vendor
 2179 licensed under s. 565.02(1) subject to the limitation imposed in
 2180 subsection (1), may, without any additional licensure under this
 2181 subparagraph, serve or sell alcoholic beverages for consumption
 2182 on the premises of a catered event at which prepared food is
 2183 provided by a caterer licensed under chapter 509. If a licensee
 2184 under this subparagraph also possesses any other license under
 2185 the Beverage Law, the license issued under this subparagraph
 2186 shall not authorize the holder to conduct activities on the
 2187 premises to which the other license or licenses apply that would
 2188 otherwise be prohibited by the terms of that license or the
 2189 Beverage Law. Nothing in this section shall permit the licensee

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2190 to conduct activities that are otherwise prohibited by the
 2191 Beverage Law or local law. The Division of Alcoholic Beverages
 2192 and Tobacco is hereby authorized to adopt rules to administer
 2193 the license created in this subparagraph, to include rules
 2194 governing licensure, recordkeeping, and enforcement. The first
 2195 \$300,000 in fees collected by the division each fiscal year
 2196 pursuant to this subparagraph shall be deposited in the
 2197 Department of Children and Family Services' Operations and
 2198 Maintenance Trust Fund to be used only for alcohol and drug
 2199 abuse education, treatment, and prevention programs. The
 2200 remainder of the fees collected shall be deposited into the
 2201 Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

2202 6. Any destination resort licensed by the Department of
 2203 Gaming Control under chapter 551. Notwithstanding any other
 2204 provision of law to the contrary, a licensee under this
 2205 subparagraph may sell or serve alcoholic beverages only for
 2206 consumption on the premises. A licensee under this subparagraph
 2207 shall purchase all alcoholic beverages from a supplier licensed
 2208 under s. 551.221 or s. 551.223. Regardless of the county or
 2209 counties in which the licensee operates, a licensee under this
 2210 subparagraph shall pay an annual state license tax of \$250,000,
 2211 the proceeds of which shall be deposited into the Destination
 2212 Resort Trust Fund of the Department of Gaming Control. This
 2213 subparagraph expressly preempts the regulation of alcoholic
 2214 beverages at destination resorts licensed by the Department of
 2215 Gaming Control to the state and supersedes any municipal or
 2216 county ordinance on the subject. Notwithstanding any other law
 2217 or local law or ordinance to the contrary, a licensee under this

2218 subparagraph may serve alcoholic beverages 24 hours per day,
 2219 every day of the year. This subparagraph does not permit the
 2220 licensee to conduct activities that are otherwise prohibited by
 2221 the Beverage Law. The Department of Gaming Control shall adopt
 2222 rules to implement this subparagraph, including, but not limited
 2223 to, rules governing licensure, recordkeeping, and enforcement. A
 2224 licensee under this subparagraph must maintain for a period of 3
 2225 years all records required by the Department of Gaming Control
 2226 by rule to demonstrate compliance with the requirements of this
 2227 subparagraph, including licensed supplier receipts for the
 2228 purchase of alcoholic beverages.

2229
 2230 However, any license heretofore issued to any such hotel, motel,
 2231 motor court, or restaurant or hereafter issued to any such
 2232 hotel, motel, or motor court, including a condominium
 2233 accommodation, under the general law shall not be moved to a new
 2234 location, such license being valid only on the premises of such
 2235 hotel, motel, motor court, or restaurant. Licenses issued to
 2236 hotels, motels, motor courts, or restaurants under the general
 2237 law and held by such hotels, motels, motor courts, or
 2238 restaurants on May 24, 1947, shall be counted in the quota
 2239 limitation contained in subsection (1). Any license issued for
 2240 any hotel, motel, or motor court under the provisions of this
 2241 law shall be issued only to the owner of the hotel, motel, or
 2242 motor court or, in the event the hotel, motel, or motor court is
 2243 leased, to the lessee of the hotel, motel, or motor court; and
 2244 the license shall remain in the name of the owner or lessee so
 2245 long as the license is in existence. Any special license now in

2246 existence heretofore issued under the provisions of this law
 2247 cannot be renewed except in the name of the owner of the hotel,
 2248 motel, motor court, or restaurant or, in the event the hotel,
 2249 motel, motor court, or restaurant is leased, in the name of the
 2250 lessee of the hotel, motel, motor court, or restaurant in which
 2251 the license is located and must remain in the name of the owner
 2252 or lessee so long as the license is in existence. Any license
 2253 issued under this section shall be marked "Special," and nothing
 2254 herein provided shall limit, restrict, or prevent the issuance
 2255 of a special license for any restaurant or motel which shall
 2256 hereafter meet the requirements of the law existing immediately
 2257 prior to the effective date of this act, if construction of such
 2258 restaurant has commenced prior to the effective date of this act
 2259 and is completed within 30 days thereafter, or if an application
 2260 is on file for such special license at the time this act takes
 2261 effect; and any such licenses issued under this proviso may be
 2262 annually renewed as now provided by law. Nothing herein prevents
 2263 an application for transfer of a license to a bona fide
 2264 purchaser of any hotel, motel, motor court, or restaurant by the
 2265 purchaser of such facility or the transfer of such license
 2266 pursuant to law.

2267 Section 31. Section 849.15, Florida Statutes, is amended
 2268 to read:

2269 849.15 Manufacture, sale, possession, etc., of coin-
 2270 operated devices prohibited.—

2271 (1) It is unlawful:

2272 (a) To manufacture, own, store, keep, possess, sell, rent,
 2273 lease, let on shares, lend or give away, transport, or expose

2274 for sale or lease, or to offer to sell, rent, lease, let on
 2275 shares, lend or give away, or permit the operation of, or for
 2276 any person to permit to be placed, maintained, or used or kept
 2277 in any room, space, or building owned, leased or occupied by the
 2278 person or under the person's management or control, any slot
 2279 machine or device or any part thereof; or

2280 (b) To make or to permit to be made with any person any
 2281 agreement with reference to any slot machine or device, pursuant
 2282 to which the user thereof, as a result of any element of chance
 2283 or other outcome unpredictable to him or her, may become
 2284 entitled to receive any money, credit, allowance, or thing of
 2285 value or additional chance or right to use such machine or
 2286 device, or to receive any check, slug, token or memorandum
 2287 entitling the holder to receive any money, credit, allowance or
 2288 thing of value.

2289 (2) Pursuant to section 2 of that chapter of the Congress
 2290 of the United States entitled "An act to prohibit transportation
 2291 of gaming devices in interstate and foreign commerce," approved
 2292 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
 2293 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
 2294 acting by and through the duly elected and qualified members of
 2295 its Legislature, does hereby in this section, and in accordance
 2296 with and in compliance with the provisions of section 2 of such
 2297 chapter of Congress, declare and proclaim that any county of the
 2298 State of Florida within which slot machine gaming is authorized
 2299 pursuant to chapter 551 is exempt from the provisions of section
 2300 2 of that chapter of the Congress of the United States entitled
 2301 "An act to prohibit transportation of gaming devices in

2302 interstate and foreign commerce," designated as 15 U.S.C. ss.
 2303 1171-1177, approved January 2, 1951. All shipments of gaming
 2304 devices, including slot machines, into any county of this state
 2305 within which slot machine gaming is authorized pursuant to
 2306 chapter 551 and the registering, recording, and labeling of
 2307 which have been duly performed by the manufacturer or
 2308 distributor thereof in accordance with sections 3 and 4 of that
 2309 chapter of the Congress of the United States entitled "An act to
 2310 prohibit transportation of gaming devices in interstate and
 2311 foreign commerce," approved January 2, 1951, being ch. 1194, 64
 2312 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
 2313 shall be deemed legal shipments thereof into this state provided
 2314 the destination of such shipments is an eligible facility as
 2315 defined in s. 551.102, ~~or~~ the facility of a slot machine
 2316 manufacturer or slot machine distributor as provided in s.
 2317 551.109(2) (a), or the facility of a resort licensee or supplier
 2318 licensee under part II of chapter 551.

2319 (3) This section does not apply to slot machine licensees
 2320 authorized under part I of chapter 551 or resort licensees as
 2321 authorized under part II of chapter 551.

2322 Section 32. Section 849.231, Florida Statutes, is amended
 2323 to read:

2324 849.231 Gambling devices; manufacture, sale, purchase or
 2325 possession unlawful.—

2326 (1) Except in instances when the following described
 2327 implements or apparatus are being held or transported by
 2328 authorized persons for the purpose of destruction, as
 2329 hereinafter provided, and except in instances when the following

2330 described instruments or apparatus are being held, sold,
 2331 transported, or manufactured by persons who have registered with
 2332 the United States Government pursuant to the provisions of Title
 2333 15 of the United States Code, ss. 1171 et seq., as amended, so
 2334 long as the described implements or apparatus are not displayed
 2335 to the general public, sold for use in Florida, or held or
 2336 manufactured in contravention of the requirements of 15 U.S.C.
 2337 ss. 1171 et seq., it shall be unlawful for any person to
 2338 manufacture, sell, transport, offer for sale, purchase, own, or
 2339 have in his or her possession any roulette wheel or table, faro
 2340 layout, crap table or layout, chemin de fer table or layout,
 2341 chuck-a-luck wheel, bird cage such as used for gambling, bolita
 2342 balls, chips with house markings, or any other device,
 2343 implement, apparatus, or paraphernalia ordinarily or commonly
 2344 used or designed to be used in the operation of gambling houses
 2345 or establishments, excepting ordinary dice and playing cards.

2346 (2) In addition to any other penalties provided for the
 2347 violation of this section, any occupational license held by a
 2348 person found guilty of violating this section shall be suspended
 2349 for a period not to exceed 5 years.

2350 (3) This section and s. 849.05 do not apply to a vessel of
 2351 foreign registry or a vessel operated under the authority of a
 2352 country except the United States, while docked in this state or
 2353 transiting in the territorial waters of this state.

2354 (4) This section does not apply to resort licensees as
 2355 authorized under part II of chapter 551.

2356 Section 33. Transfers.—

2357 (1) All of the statutory powers, duties and functions,
 2358 records, personnel, property, and unexpended balances of
 2359 appropriations, allocations, or other funds for the
 2360 administration of chapter 550, Florida Statutes, are transferred
 2361 intact by a type two transfer, as defined in s. 20.06(2),
 2362 Florida Statutes, from the Division of Pari-mutuel Wagering of
 2363 the Department of Business and Professional Regulation to the
 2364 Department of Gaming Control.

2365 (2) All of the statutory powers, duties and functions,
 2366 records, personnel, property, and unexpended balances of
 2367 appropriations, allocations, or other funds for the
 2368 administration of chapter 551, Florida Statutes, are transferred
 2369 by a type two transfer, as defined in s. 20.06(2), Florida
 2370 Statutes, from the Division of Pari-mutuel Wagering of the
 2371 Department of Business and Professional Regulation to the
 2372 Department of Gaming Control.

2373 (3) All of the statutory powers, duties and functions,
 2374 records, personnel, property, and unexpended balances of
 2375 appropriations, allocations, or other funds for the
 2376 administration of s. 849.086, Florida Statutes, are transferred
 2377 by a type two transfer, as defined in s. 20.06(2), Florida
 2378 Statutes, from the Division of Pari-mutuel Wagering of the
 2379 Department of Business and Professional Regulation to the
 2380 Department of Gaming Control.

2381 (4) The Pari-mutuel Wagering Trust Fund is transferred
 2382 from the Division of Pari-mutuel Wagering of the Department of
 2383 Business and Professional Regulation to the Department of Gaming
 2384 Control.

2385 Section 34. Paragraph (f) of subsection (1), subsection
 2386 (7), and paragraph (a) of subsection (13) of section 285.710,
 2387 Florida Statutes, are amended to read:

2388 285.710 Compact authorization.—

2389 (1) As used in this section, the term:

2390 (f) "State compliance agency" means ~~the Division of Pari-~~
 2391 ~~mutuel Wagering of the Department of~~ Gaming Control Business and
 2392 ~~Professional Regulation~~ which is designated as the state agency
 2393 having the authority to carry out the state's oversight
 2394 responsibilities under the compact.

2395 (7) The ~~Division of Pari-mutuel Wagering of the Department~~
 2396 of Gaming Control Business and Professional Regulation is
 2397 designated as the state compliance agency having the authority
 2398 to carry out the state's oversight responsibilities under the
 2399 compact authorized by this section.

2400 (13) For the purpose of satisfying the requirement in 25
 2401 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
 2402 under an Indian gaming compact must be permitted in the state
 2403 for any purpose by any person, organization, or entity, the
 2404 following class III games or other games specified in this
 2405 section are hereby authorized to be conducted by the Tribe
 2406 pursuant to the compact:

2407 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

2408 Section 35. Subsections (8) through (39) of section
 2409 550.002, Florida Statutes, are renumbered as subsections (7)
 2410 through (38), respectively, and subsection (6) and present
 2411 subsection (7) of that section are amended, to read:

2412 550.002 Definitions.—As used in this chapter, the term:

2413 (6) "Department" means the Department of Gaming Control
 2414 ~~Business and Professional Regulation.~~

2415 ~~(7) "Division" means the Division of Pari-mutuel Wagering~~
 2416 ~~within the Department of Business and Professional Regulation.~~

2417 Section 36. Section 550.0251, Florida Statutes, is amended
 2418 to read:

2419 550.0251 The powers and duties of the department ~~division~~
 2420 ~~of Pari-mutuel Wagering of the Department of Business and~~
 2421 ~~Professional Regulation.~~—The department ~~division~~ shall
 2422 administer this chapter and regulate the pari-mutuel industry
 2423 under this chapter and the rules adopted pursuant thereto, and:

2424 (1) The department ~~division~~ shall make an annual report to
 2425 the Governor showing its own actions, receipts derived under the
 2426 provisions of this chapter, the practical effects of the
 2427 application of this chapter, and any suggestions it may approve
 2428 for the more effectual accomplishments of the purposes of this
 2429 chapter.

2430 (2) The department ~~division~~ shall require an oath on
 2431 application documents as required by rule, which oath must state
 2432 that the information contained in the document is true and
 2433 complete.

2434 (3) The department ~~division~~ shall adopt reasonable rules
 2435 for the control, supervision, and direction of all applicants,
 2436 permittees, and licensees and for the holding, conducting, and
 2437 operating of all racetracks, race meets, and races held in this
 2438 state. Such rules must be uniform in their application and
 2439 effect, and the duty of exercising this control and power is
 2440 made mandatory upon the department ~~division~~.

2441 (4) The department ~~division~~ may take testimony concerning
 2442 any matter within its jurisdiction and issue summons and
 2443 subpoenas for any witness and subpoenas duces tecum in
 2444 connection with any matter within the jurisdiction of the
 2445 department ~~division~~ under its seal and signed by the director.

2446 (5) The department ~~division~~ may adopt rules establishing
 2447 procedures for testing occupational licenseholders officiating
 2448 at or participating in any race or game at any pari-mutuel
 2449 facility under the jurisdiction of the department ~~division~~ for a
 2450 controlled substance or alcohol and may prescribe procedural
 2451 matters not in conflict with s. 120.80(19) ~~120.80(4)(a)~~.

2452 (6) In addition to the power to exclude certain persons
 2453 from any pari-mutuel facility in this state, the department
 2454 ~~division~~ may exclude any person from any and all pari-mutuel
 2455 facilities in this state for conduct that would constitute, if
 2456 the person were a licensee, a violation of this chapter or the
 2457 rules of the department ~~division~~. The department ~~division~~ may
 2458 exclude from any pari-mutuel facility within this state any
 2459 person who has been ejected from a pari-mutuel facility in this
 2460 state or who has been excluded from any pari-mutuel facility in
 2461 another state by the governmental department, agency,
 2462 commission, or authority exercising regulatory jurisdiction over
 2463 pari-mutuel facilities in such other state. The department
 2464 ~~division~~ may authorize any person who has been ejected or
 2465 excluded from pari-mutuel facilities in this state or another
 2466 state to attend the pari-mutuel facilities in this state upon a
 2467 finding that the attendance of such person at pari-mutuel
 2468 facilities would not be adverse to the public interest or to the

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2469 integrity of the sport or industry; however, this subsection
 2470 shall not be construed to abrogate the common-law right of a
 2471 pari-mutuel permitholder to exclude absolutely a patron in this
 2472 state.

2473 (7) The department ~~division~~ may oversee the making of, and
 2474 distribution from, all pari-mutuel pools.

2475 (8) The department may collect taxes and require
 2476 compliance with reporting requirements for financial information
 2477 as authorized by this chapter. In addition, the secretary of the
 2478 department may require permitholders conducting pari-mutuel
 2479 operations within the state to remit taxes, including fees, by
 2480 electronic funds transfer if the taxes and fees amounted to
 2481 \$50,000 or more in the prior reporting year.

2482 (9) The department ~~division~~ may conduct investigations in
 2483 enforcing this chapter, except that all information obtained
 2484 pursuant to an investigation by the department ~~division~~ for an
 2485 alleged violation of this chapter or rules of the department
 2486 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I
 2487 of the State Constitution until an administrative complaint is
 2488 issued or the investigation is closed or ceases to be active.
 2489 This subsection does not prohibit the department ~~division~~ from
 2490 providing such information to any law enforcement agency or to
 2491 any other regulatory agency. For the purposes of this
 2492 subsection, an investigation is considered to be active while it
 2493 is being conducted with reasonable dispatch and with a
 2494 reasonable, good faith belief that it could lead to an
 2495 administrative, civil, or criminal action by the department
 2496 ~~division~~ or another administrative or law enforcement agency.

2497 Except for active criminal intelligence or criminal
 2498 investigative information, as defined in s. 119.011, and any
 2499 other information that, if disclosed, would jeopardize the
 2500 safety of an individual, all information, records, and
 2501 transcriptions become public when the investigation is closed or
 2502 ceases to be active.

2503 (10) The department ~~division~~ may impose an administrative
 2504 fine for a violation under this chapter of not more than \$1,000
 2505 for each count or separate offense, except as otherwise provided
 2506 in this chapter, and may suspend or revoke a permit, a pari-
 2507 mutuel license, or an occupational license for a violation under
 2508 this chapter. All fines imposed and collected under this
 2509 subsection must be deposited with the Chief Financial Officer to
 2510 the credit of the General Revenue Fund.

2511 (11) The department ~~division~~ shall supervise and regulate
 2512 the welfare of racing animals at pari-mutuel facilities.

2513 (12) The department ~~division~~ shall have full authority and
 2514 power to make, adopt, amend, or repeal rules relating to
 2515 cardroom operations, to enforce and to carry out the provisions
 2516 of s. 849.086, and to regulate the authorized cardroom
 2517 activities in the state.

2518 (13) The department ~~division~~ shall have the authority to
 2519 suspend a permitholder's permit or license, if such permitholder
 2520 is operating a cardroom facility and such permitholder's
 2521 cardroom license has been suspended or revoked pursuant to s.
 2522 849.086.

2523 Section 37. Effective upon this act becoming a law,
 2524 present subsections (11) through (14) of section 550.054,

2525 Florida Statutes, are redesignated as subsections (10) through
 2526 (13), respectively, present subsection (10) is amended, and new
 2527 subsections (14) and (15) are added to that section, to read:

2528 550.054 Application for permit to conduct pari-mutuel
 2529 wagering.—

2530 ~~(10) If a permitholder has failed to complete construction~~
 2531 ~~of at least 50 percent of the facilities necessary to conduct~~
 2532 ~~pari-mutuel operations within 12 months after approval by the~~
 2533 ~~voters of the permit, the division shall revoke the permit upon~~
 2534 ~~adequate notice to the permitholder. However, the division, upon~~
 2535 ~~good cause shown by the permitholder, may grant one extension of~~
 2536 ~~up to 12 months.~~

2537 (14) The department shall revoke the permit upon adequate
 2538 notice to the permitholder if the permitholder has not conducted
 2539 a full schedule of live racing or games before January 15, 2012.

2540 (15) Notwithstanding any other provision of this chapter,
 2541 a pari-mutuel permit may not be issued on or after the date that
 2542 this act becomes a law.

2543 Section 38. Paragraph (f) of subsection (2) of section
 2544 550.09514, Florida Statutes, is amended to read:

2545 550.09514 Greyhound dogracing taxes; purse requirements.—

2546 (2)

2547 (f) Each greyhound permitholder shall, during the
 2548 permitholder's race meet, supply kennel operators and the
 2549 department ~~Division of Pari-Mutuel Wagering~~ with a weekly report
 2550 showing purses paid on live greyhound races and all greyhound
 2551 intertrack and simulcast broadcasts, including both as a guest
 2552 and a host together with the handle or commission calculations

2553 on which such purses were paid and the transmission costs of
 2554 sending the simulcast or intertrack broadcasts, so that the
 2555 kennel operators may determine statutory and contractual
 2556 compliance.

2557 Section 39. Subsection (1) of section 550.135, Florida
 2558 Statutes, is amended to read:

2559 550.135 Division of moneys derived under this law.—All
 2560 moneys that are deposited with the Chief Financial Officer to
 2561 the credit of the Pari-mutuel Wagering Trust Fund shall be
 2562 distributed as follows:

2563 (1) The daily license fee revenues collected pursuant to
 2564 s. 550.0951(1) shall be used to fund the operating cost of the
 2565 department division and to provide a proportionate share of the
 2566 operation of the office of the secretary and the Division of
 2567 Administration of the department ~~of Business and Professional~~
 2568 ~~Regulation~~; however, other collections in the Pari-mutuel
 2569 Wagering Trust Fund may also be used to fund the operation of
 2570 the department division in accordance with authorized
 2571 appropriations.

2572 Section 40. Subsection (4) of section 550.24055, Florida
 2573 Statutes, is amended to read:

2574 550.24055 Use of controlled substances or alcohol
 2575 prohibited; testing of certain occupational licensees; penalty;
 2576 evidence of test or action taken and admissibility for criminal
 2577 prosecution limited.—

2578 (4) The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to
 2579 all actions taken by the stewards, judges, or board of judges
 2580 pursuant to this section without regard to the limitation

2581 contained therein.

2582 Section 41. Subsection (15) of section 550.2415, Florida
 2583 Statutes, is amended to read:

2584 550.2415 Racing of animals under certain conditions
 2585 prohibited; penalties; exceptions.—

2586 (15) The department ~~division~~ may implement by rule
 2587 medication levels recommended by the University of Florida
 2588 College of Veterinary Medicine developed pursuant to an
 2589 agreement between the department ~~division of Pari-mutuel~~
 2590 ~~Wagering~~ and the University of Florida College of Veterinary
 2591 Medicine. The University of Florida College of Veterinary
 2592 Medicine may provide written notification to the department
 2593 ~~division~~ that it has completed research or review on a
 2594 particular drug pursuant to the agreement and when the College
 2595 of Veterinary Medicine has completed a final report of its
 2596 findings, conclusions, and recommendations to the department
 2597 ~~division~~.

2598 Section 42. Paragraph (j) of subsection (3) of section
 2599 550.2625, Florida Statutes, is amended to read:

2600 550.2625 Horseracing; minimum purse requirement, Florida
 2601 breeders' and owners' awards.—

2602 (3) Each horseracing permitholder conducting any
 2603 thoroughbred race under this chapter, including any intertrack
 2604 race taken pursuant to ss. 550.615-550.6305 or any interstate
 2605 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
 2606 to 0.955 percent on all pari-mutuel pools conducted during any
 2607 such race for the payment of breeders', stallion, or special
 2608 racing awards as authorized in this chapter. This subsection

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2609 | also applies to all Breeder's Cup races conducted outside this
 2610 | state taken pursuant to s. 550.3551(3). On any race originating
 2611 | live in this state which is broadcast out-of-state to any
 2612 | location at which wagers are accepted pursuant to s.
 2613 | 550.3551(2), the host track is required to pay 3.475 percent of
 2614 | the gross revenue derived from such out-of-state broadcasts as
 2615 | breeders', stallion, or special racing awards. The Florida
 2616 | Thoroughbred Breeders' Association is authorized to receive
 2617 | these payments from the permitholders and make payments of
 2618 | awards earned. The Florida Thoroughbred Breeders' Association
 2619 | has the right to withhold up to 10 percent of the permitholder's
 2620 | payments under this section as a fee for administering the
 2621 | payments of awards and for general promotion of the industry.
 2622 | The permitholder shall remit these payments to the Florida
 2623 | Thoroughbred Breeders' Association by the 5th day of each
 2624 | calendar month for such sums accruing during the preceding
 2625 | calendar month and shall report such payments to the department
 2626 | ~~division~~ as prescribed by the department ~~division~~. With the
 2627 | exception of the 10-percent fee, the moneys paid by the
 2628 | permitholders shall be maintained in a separate, interest-
 2629 | bearing account, and such payments together with any interest
 2630 | earned shall be used exclusively for the payment of breeders',
 2631 | stallion, or special racing awards in accordance with the
 2632 | following provisions:

2633 | (j) If the department ~~division~~ finds that the Florida
 2634 | Thoroughbred Breeders' Association has not complied with any
 2635 | provision of this section, the department ~~division~~ may order the
 2636 | association to cease and desist from receiving funds and

2637 administering funds received under this section. If the
 2638 department ~~division~~ enters such an order, the permitholder shall
 2639 make the payments authorized in this section to the department
 2640 ~~division~~ for deposit into the Pari-mutuel Wagering Trust Fund;
 2641 and any funds in the Florida Thoroughbred Breeders' Association
 2642 account shall be immediately paid to the department ~~Division of~~
 2643 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering
 2644 Trust Fund. The department ~~division~~ shall authorize payment from
 2645 these funds to any breeder or stallion owner entitled to an
 2646 award that has not been previously paid by the Florida
 2647 Thoroughbred Breeders' Association in accordance with the
 2648 applicable rate.

2649 Section 43. Subsection (1) of section 550.2704, Florida
 2650 Statutes, is amended to read:

2651 550.2704 Jai Alai Tournament of Champions Meet.—

2652 (1) Notwithstanding any provision of this chapter, there
 2653 is hereby created a special jai alai meet which shall be
 2654 designated as the "Jai Alai Tournament of Champions Meet" and
 2655 which shall be hosted by the Florida jai alai permitholders
 2656 selected by the National Association of Jai Alai Frontons, Inc.,
 2657 to conduct such meet. The meet shall consist of three qualifying
 2658 performances and a final performance, each of which is to be
 2659 conducted on different days. Upon the selection of the Florida
 2660 permitholders for the meet, and upon application by the selected
 2661 permitholders, the department ~~Division of Pari-mutuel Wagering~~
 2662 shall issue a license to each of the selected permitholders to
 2663 operate the meet. The meet may be conducted during a season in
 2664 which the permitholders selected to conduct the meet are not

2665 otherwise authorized to conduct a meet. Notwithstanding anything
 2666 herein to the contrary, any Florida permitholder who is to
 2667 conduct a performance which is a part of the Jai Alai Tournament
 2668 of Champions Meet shall not be required to apply for the license
 2669 for said meet if it is to be run during the regular season for
 2670 which such permitholder has a license.

2671 Section 44. Paragraph (d) of subsection (2) of section
 2672 550.3345, Florida Statutes, is amended to read:

2673 550.3345 Conversion of quarter horse permit to a limited
 2674 thoroughbred permit.—

2675 (2) Notwithstanding any other provision of law, the holder
 2676 of a quarter horse racing permit issued under s. 550.334 may,
 2677 within 1 year after the effective date of this section, apply to
 2678 the division for a transfer of the quarter horse racing permit
 2679 to a not-for-profit corporation formed under state law to serve
 2680 the purposes of the state as provided in subsection (1). The
 2681 board of directors of the not-for-profit corporation must be
 2682 comprised of 11 members, 4 of whom shall be designated by the
 2683 applicant, 4 of whom shall be designated by the Florida
 2684 Thoroughbred Breeders' Association, and 3 of whom shall be
 2685 designated by the other 8 directors, with at least 1 of these 3
 2686 members being an authorized representative of another
 2687 thoroughbred permitholder in this state. The not-for-profit
 2688 corporation shall submit an application to the division for
 2689 review and approval of the transfer in accordance with s.
 2690 550.054. Upon approval of the transfer by the division, and
 2691 notwithstanding any other provision of law to the contrary, the
 2692 not-for-profit corporation may, within 1 year after its receipt

2693 of the permit, request that the division convert the quarter
 2694 horse racing permit to a permit authorizing the holder to
 2695 conduct pari-mutuel wagering meets of thoroughbred racing.
 2696 Neither the transfer of the quarter horse racing permit nor its
 2697 conversion to a limited thoroughbred permit shall be subject to
 2698 the mileage limitation or the ratification election as set forth
 2699 under s. 550.054(2) or s. 550.0651. Upon receipt of the request
 2700 for such conversion, the division shall timely issue a converted
 2701 permit. The converted permit and the not-for-profit corporation
 2702 shall be subject to the following requirements:

2703 (d) Racing under the permit may take place only at the
 2704 location for which the original quarter horse racing permit was
 2705 issued, which may be leased by the not-for-profit corporation
 2706 for that purpose; however, the not-for-profit corporation may,
 2707 without the conduct of any ratification election pursuant to s.
 2708 550.054(12) ~~550.054(13)~~ or s. 550.0651, move the location of the
 2709 permit to another location in the same county provided that such
 2710 relocation is approved under the zoning and land use regulations
 2711 of the applicable county or municipality.

2712 Section 45. Paragraph (g) of subsection (9) of section
 2713 550.6305, Florida Statutes, is amended to read:

2714 550.6305 Intertrack wagering; guest track payments;
 2715 accounting rules.—

2716 (9) A host track that has contracted with an out-of-state
 2717 horse track to broadcast live races conducted at such out-of-
 2718 state horse track pursuant to s. 550.3551(5) may broadcast such
 2719 out-of-state races to any guest track and accept wagers thereon
 2720 in the same manner as is provided in s. 550.3551.

2721 (g)1. Any thoroughbred permitholder which accepts wagers
 2722 on a simulcast signal must make the signal available to any
 2723 permitholder that is eligible to conduct intertrack wagering
 2724 under the provisions of ss. 550.615-550.6345.

2725 2. Any thoroughbred permitholder which accepts wagers on a
 2726 simulcast signal received after 6 p.m. must make such signal
 2727 available to any permitholder that is eligible to conduct
 2728 intertrack wagering under the provisions of ss. 550.615-
 2729 550.6345, including any permitholder located as specified in s.
 2730 550.615(6). Such guest permitholders are authorized to accept
 2731 wagers on such simulcast signal, notwithstanding any other
 2732 provision of this chapter to the contrary.

2733 3. Any thoroughbred permitholder which accepts wagers on a
 2734 simulcast signal received after 6 p.m. must make such signal
 2735 available to any permitholder that is eligible to conduct
 2736 intertrack wagering under the provisions of ss. 550.615-
 2737 550.6345, including any permitholder located as specified in s.
 2738 550.615(9). Such guest permitholders are authorized to accept
 2739 wagers on such simulcast signals for a number of performances
 2740 not to exceed that which constitutes a full schedule of live
 2741 races for a quarter horse permitholder pursuant to s.
 2742 550.002(10) ~~550.002(11)~~, notwithstanding any other provision of
 2743 this chapter to the contrary, except that the restrictions
 2744 provided in s. 550.615(9)(a) apply to wagers on such simulcast
 2745 signals.

2746
 2747 No thoroughbred permitholder shall be required to continue to
 2748 rebroadcast a simulcast signal to any in-state permitholder if

2749 the average per performance gross receipts returned to the host
 2750 permitholder over the preceding 30-day period were less than
 2751 \$100. Subject to the provisions of s. 550.615(4), as a condition
 2752 of receiving rebroadcasts of thoroughbred simulcast signals
 2753 under this paragraph, a guest permitholder must accept
 2754 intertrack wagers on all live races conducted by all then-
 2755 operating thoroughbred permitholders.

2756 Section 46. Subsection (3) of section 550.902, Florida
 2757 Statutes, is amended to read:

2758 550.902 Purposes.—The purposes of this compact are to:

2759 (3) Authorize the department of ~~Business and Professional~~
 2760 ~~Regulation~~ to participate in this compact.

2761 Section 47. Subsection (1) of section 550.907, Florida
 2762 Statutes, is amended to read:

2763 550.907 Compact committee.—

2764 (1) There is created an interstate governmental entity to
 2765 be known as the "compact committee," which shall be composed of
 2766 one official from the racing commission, or the equivalent
 2767 thereof, in each party state who shall be appointed, serve, and
 2768 be subject to removal in accordance with the laws of the party
 2769 state that she or he represents. The official from Florida shall
 2770 be appointed by the Department of Gaming Control ~~Secretary of~~
 2771 ~~Business and Professional Regulation~~. Pursuant to the laws of
 2772 her or his party state, each official shall have the assistance
 2773 of her or his state's racing commission, or the equivalent
 2774 thereof, in considering issues related to licensing of
 2775 participants in pari-mutuel wagering and in fulfilling her or
 2776 his responsibilities as the representative from her or his state

2777 to the compact committee.

2778 Section 48. Section 551.101, Florida Statutes, is amended
2779 to read:

2780 551.101 Slot machine gaming authorized.—Any licensed pari-
2781 mutuel facility located in Miami-Dade County or Broward County
2782 existing at the time of adoption of s. 23, Art. X of the State
2783 Constitution that has conducted live racing or games during
2784 calendar years 2002 and 2003 may possess slot machines and
2785 conduct slot machine gaming at the location where the pari-
2786 mutuel permitholder is authorized to conduct pari-mutuel
2787 wagering activities pursuant to such permitholder's valid pari-
2788 mutuel permit provided that a majority of voters in a countywide
2789 referendum have approved slot machines at such facility in the
2790 respective county. Notwithstanding any other provision of law,
2791 it is not a crime for a person to participate in slot machine
2792 gaming at a pari-mutuel facility licensed to possess slot
2793 machines and conduct slot machine gaming or to participate in
2794 slot machine gaming described in this part ~~chapter~~.

2795 Section 49. Section 551.102, Florida Statutes, is amended
2796 to read:

2797 551.102 Definitions.—As used in this part ~~chapter~~, the
2798 term:

2799 (1) "Distributor" means any person who sells, leases, or
2800 offers or otherwise provides, distributes, or services any slot
2801 machine or associated equipment for use or play of slot machines
2802 in this state. A manufacturer may be a distributor within the
2803 state.

2804 (2) "Designated slot machine gaming area" means the area

2805 or areas of a facility of a slot machine licensee in which slot
 2806 machine gaming may be conducted in accordance with the
 2807 provisions of this part ~~chapter~~.

2808 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~
 2809 ~~of the Department of Business and Professional Regulation.~~

2810 (3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel
 2811 facility located in Miami-Dade County or Broward County existing
 2812 at the time of adoption of s. 23, Art. X of the State
 2813 Constitution that has conducted live racing or games during
 2814 calendar years 2002 and 2003 and has been approved by a majority
 2815 of voters in a countywide referendum to have slot machines at
 2816 such facility in the respective county; any licensed pari-mutuel
 2817 facility located within a county as defined in s. 125.011,
 2818 provided such facility has conducted live racing for 2
 2819 consecutive calendar years immediately preceding its application
 2820 for a slot machine license, pays the required license fee, and
 2821 meets the other requirements of this chapter; or any licensed
 2822 pari-mutuel facility in any other county in which a majority of
 2823 voters have approved slot machines at such facilities in a
 2824 countywide referendum held pursuant to a statutory or
 2825 constitutional authorization after the effective date of this
 2826 section in the respective county, provided such facility has
 2827 conducted a full schedule of live racing for 2 consecutive
 2828 calendar years immediately preceding its application for a slot
 2829 machine license, pays the required licensed fee, and meets the
 2830 other requirements of this part ~~chapter~~.

2831 (4)~~(5)~~ "Manufacturer" means any person who manufactures,
 2832 builds, rebuilds, fabricates, assembles, produces, programs,

2833 designs, or otherwise makes modifications to any slot machine or
 2834 associated equipment for use or play of slot machines in this
 2835 state for gaming purposes. A manufacturer may be a distributor
 2836 within the state.

2837 (5)~~(6)~~ "Nonredeemable credits" means slot machine
 2838 operating credits that cannot be redeemed for cash or any other
 2839 thing of value by a slot machine, kiosk, or the slot machine
 2840 licensee and that are provided free of charge to patrons. Such
 2841 credits do not constitute "nonredeemable credits" until such
 2842 time as they are metered as credit into a slot machine and
 2843 recorded in the facility-based monitoring system.

2844 (6)~~(7)~~ "Progressive system" means a computerized system
 2845 linking slot machines in one or more licensed facilities within
 2846 this state or other jurisdictions and offering one or more
 2847 common progressive payouts based on the amounts wagered.

2848 (7)~~(8)~~ "Slot machine" means any mechanical or electrical
 2849 contrivance, terminal that may or may not be capable of
 2850 downloading slot games from a central server system, machine, or
 2851 other device that, upon insertion of a coin, bill, ticket,
 2852 token, or similar object or upon payment of any consideration
 2853 whatsoever, including the use of any electronic payment system
 2854 except a credit card or debit card, is available to play or
 2855 operate, the play or operation of which, whether by reason of
 2856 skill or application of the element of chance or both, may
 2857 deliver or entitle the person or persons playing or operating
 2858 the contrivance, terminal, machine, or other device to receive
 2859 cash, billets, tickets, tokens, or electronic credits to be
 2860 exchanged for cash or to receive merchandise or anything of

2861 value whatsoever, whether the payoff is made automatically from
 2862 the machine or manually. The term includes associated equipment
 2863 necessary to conduct the operation of the contrivance, terminal,
 2864 machine, or other device. Slot machines may use spinning reels,
 2865 video displays, or both. A slot machine is not a "coin-operated
 2866 amusement machine" as defined in s. 212.02(24) or an amusement
 2867 game or machine as described in s. 849.161, and slot machines
 2868 are not subject to the tax imposed by s. 212.05(1)(h).

2869 (8)~~(9)~~ "Slot machine facility" means a facility at which
 2870 slot machines as defined in this part ~~chapter~~ are lawfully
 2871 offered for play.

2872 (9)~~(10)~~ "Slot machine license" means a license issued by
 2873 the department ~~division~~ authorizing a pari-mutuel permitholder
 2874 to place and operate slot machines as provided by s. 23, Art. X
 2875 of the State Constitution, the provisions of this part ~~chapter~~,
 2876 and department ~~division~~ rules.

2877 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel
 2878 permitholder who holds a license issued by the department
 2879 ~~division~~ pursuant to this part ~~chapter~~ that authorizes such
 2880 person to possess a slot machine within facilities specified in
 2881 s. 23, Art. X of the State Constitution and allows slot machine
 2882 gaming.

2883 (11)~~(12)~~ "Slot machine operator" means a person employed
 2884 or contracted by the owner of a licensed facility to conduct
 2885 slot machine gaming at that licensed facility.

2886 (12)~~(13)~~ "Slot machine revenues" means the total of all
 2887 cash and property, except nonredeemable credits, received by the
 2888 slot machine licensee from the operation of slot machines less

2889 the amount of cash, cash equivalents, credits, and prizes paid
 2890 to winners of slot machine gaming.

2891 Section 50. Subsections (1), (2), and (3) and paragraph
 2892 (b) of subsection (4) of section 551.103, Florida Statutes, are
 2893 amended to read:

2894 551.103 Powers and duties of the department ~~division~~ and
 2895 law enforcement.—

2896 (1) The department ~~division~~ shall adopt, pursuant to the
 2897 provisions of ss. 120.536(1) and 120.54, all rules necessary to
 2898 implement, administer, and regulate slot machine gaming as
 2899 authorized in this part ~~chapter~~. Such rules must include:

2900 (a) Procedures for applying for a slot machine license and
 2901 renewal of a slot machine license.

2902 (b) Technical requirements and the qualifications
 2903 contained in this part ~~chapter~~ that are necessary to receive a
 2904 slot machine license or slot machine occupational license.

2905 (c) Procedures to scientifically test and technically
 2906 evaluate slot machines for compliance with this part ~~chapter~~.
 2907 The department ~~division~~ may contract with an independent testing
 2908 laboratory to conduct any necessary testing under this section.
 2909 The independent testing laboratory must have a national
 2910 reputation which is demonstrably competent and qualified to
 2911 scientifically test and evaluate slot machines for compliance
 2912 with this part ~~chapter~~ and to otherwise perform the functions
 2913 assigned to it in this part ~~chapter~~. An independent testing
 2914 laboratory shall not be owned or controlled by a licensee. The
 2915 use of an independent testing laboratory for any purpose related
 2916 to the conduct of slot machine gaming by a licensee under this

2917 ~~part chapter~~ shall be made from a list of one or more
 2918 laboratories approved by the department division.

2919 (d) Procedures relating to slot machine revenues,
 2920 including verifying and accounting for such revenues, auditing,
 2921 and collecting taxes and fees consistent with this ~~part chapter~~.

2922 (e) Procedures for regulating, managing, and auditing the
 2923 operation, financial data, and program information relating to
 2924 slot machine gaming that allow the department division and the
 2925 Department of Law Enforcement to audit the operation, financial
 2926 data, and program information of a slot machine licensee, as
 2927 required by the department division or the Department of Law
 2928 Enforcement, and provide the department division and the
 2929 Department of Law Enforcement with the ability to monitor, at
 2930 any time on a real-time basis, wagering patterns, payouts, tax
 2931 collection, and compliance with any rules adopted by the
 2932 department division for the regulation and control of slot
 2933 machines operated under this ~~part chapter~~. Such continuous and
 2934 complete access, at any time on a real-time basis, shall include
 2935 the ability of either the department division or the Department
 2936 of Law Enforcement to suspend play immediately on particular
 2937 slot machines if monitoring of the facilities-based computer
 2938 system indicates possible tampering or manipulation of those
 2939 slot machines or the ability to suspend play immediately of the
 2940 entire operation if the tampering or manipulation is of the
 2941 computer system itself. The department division shall notify the
 2942 Department of Law Enforcement or the Department of Law
 2943 Enforcement shall notify the department division, as
 2944 appropriate, whenever there is a suspension of play under this

2945 paragraph. The department ~~division~~ and the Department of Law
 2946 Enforcement shall exchange such information necessary for and
 2947 cooperate in the investigation of the circumstances requiring
 2948 suspension of play under this paragraph.

2949 (f) Procedures for requiring each licensee at his or her
 2950 own cost and expense to supply the department ~~division~~ with a
 2951 bond having the penal sum of \$2 million payable to the Governor
 2952 and his or her successors in office for each year of the
 2953 licensee's slot machine operations. Any bond shall be issued by
 2954 a surety or sureties approved by the department ~~division~~ and the
 2955 Chief Financial Officer, conditioned to faithfully make the
 2956 payments to the Chief Financial Officer in his or her capacity
 2957 as treasurer of the department ~~division~~. The licensee shall be
 2958 required to keep its books and records and make reports as
 2959 provided in this part ~~chapter~~ and to conduct its slot machine
 2960 operations in conformity with this chapter and all other
 2961 provisions of law. Such bond shall be separate and distinct from
 2962 the bond required in s. 550.125.

2963 (g) Procedures for requiring licensees to maintain
 2964 specified records and submit any data, information, record, or
 2965 report, including financial and income records, required by this
 2966 part ~~chapter~~ or determined by the department ~~division~~ to be
 2967 necessary to the proper implementation and enforcement of this
 2968 part ~~chapter~~.

2969 (h) A requirement that the payout percentage of a slot
 2970 machine be no less than 85 percent if the slot machine is taxed
 2971 at 35 percent, and no less than 90 percent if the slot machine
 2972 is taxed at 10 percent.

2973 (i) Minimum standards for security of the facilities,
 2974 including floor plans, security cameras, and other security
 2975 equipment.

2976 (j) Procedures for requiring slot machine licensees to
 2977 implement and establish drug-testing programs for all slot
 2978 machine occupational licensees.

2979 (2) The department ~~division~~ shall conduct such
 2980 investigations necessary to fulfill its responsibilities under
 2981 the provisions of this part ~~chapter~~.

2982 (3) The Department of Law Enforcement and local law
 2983 enforcement agencies shall have concurrent jurisdiction to
 2984 investigate criminal violations of this part ~~chapter~~ and may
 2985 investigate any other criminal violation of law occurring at the
 2986 facilities of a slot machine licensee, and such investigations
 2987 may be conducted in conjunction with the appropriate state
 2988 attorney.

2989 (4)

2990 (b) In addition, the department ~~division~~ may:

- 2991 1. Collect taxes, assessments, fees, and penalties.
- 2992 2. Deny, revoke, suspend, or place conditions on the
 2993 license of a person who violates any provision of this part
 2994 ~~chapter~~ or rule adopted pursuant thereto.

2995 Section 51. Subsection (1), paragraphs (a) and (c) of
 2996 subsection (4), subsections (6) and (8), and paragraph (d) of
 2997 subsection (10) of section 551.104, Florida Statutes, are
 2998 amended to read:

2999 551.104 License to conduct slot machine gaming.—

3000 (1) Upon application and a finding by the department

3001 ~~division~~ after investigation that the application is complete
 3002 and the applicant is qualified and payment of the initial
 3003 license fee, the department ~~division~~ may issue a license to
 3004 conduct slot machine gaming in the designated slot machine
 3005 gaming area of the eligible facility. Once licensed, slot
 3006 machine gaming may be conducted subject to the requirements of
 3007 this part ~~chapter~~ and rules adopted pursuant thereto.

3008 (4) As a condition of licensure and to maintain continued
 3009 authority for the conduct of slot machine gaming, the slot
 3010 machine licensee shall:

3011 (a) Continue to be in compliance with this part ~~chapter~~.

3012 (c) Conduct no fewer than a full schedule of live racing
 3013 or games as defined in s. 550.002(10) ~~550.002(11)~~. A
 3014 permitholder's responsibility to conduct such number of live
 3015 races or games shall be reduced by the number of races or games
 3016 that could not be conducted due to the direct result of fire,
 3017 war, hurricane, or other disaster or event beyond the control of
 3018 the permitholder.

3019 (6) A slot machine licensee shall keep and maintain
 3020 permanent daily records of its slot machine operation and shall
 3021 maintain such records for a period of not less than 5 years.
 3022 These records must include all financial transactions and
 3023 contain sufficient detail to determine compliance with the
 3024 requirements of this part ~~chapter~~. All records shall be
 3025 available for audit and inspection by the department ~~division~~,
 3026 the Department of Law Enforcement, or other law enforcement
 3027 agencies during the licensee's regular business hours.

3028 (8) A slot machine licensee shall file with the department

3029 ~~division~~ an audit of the receipt and distribution of all slot
 3030 machine revenues provided by an independent certified public
 3031 accountant verifying compliance with all financial and auditing
 3032 provisions of this part ~~chapter~~ and the associated rules adopted
 3033 under this part ~~chapter~~. The audit must include verification of
 3034 compliance with all statutes and rules regarding all required
 3035 records of slot machine operations. Such audit shall be filed
 3036 within 60 days after the completion of the permit holder's pari-
 3037 mutuel meet.

3038 (10)

3039 (d) If any provision of this subsection or its application
 3040 to any person or circumstance is held invalid, the invalidity
 3041 does not affect other provisions or applications of this
 3042 subsection or part ~~chapter~~ which can be given effect without the
 3043 invalid provision or application, and to this end the provisions
 3044 of this subsection are severable.

3045 Section 52. Paragraph (a) of subsection (1), paragraph (a)
 3046 of subsection (2), and subsection (4) of section 551.106,
 3047 Florida Statutes, are amended to read:

3048 551.106 License fee; tax rate; penalties.—

3049 (1) LICENSE FEE.—

3050 (a) Upon submission of the initial application for a slot
 3051 machine license and annually thereafter, on the anniversary date
 3052 of the issuance of the initial license, the licensee must pay to
 3053 the department ~~division~~ a nonrefundable license fee of \$3
 3054 million for the succeeding 12 months of licensure. In the 2010-
 3055 2011 fiscal year, the licensee must pay the department ~~division~~
 3056 a nonrefundable license fee of \$2.5 million for the succeeding

3057 12 months of licensure. In the 2011-2012 fiscal year and for
 3058 every fiscal year thereafter, the licensee must pay the
 3059 department division a nonrefundable license fee of \$2 million
 3060 for the succeeding 12 months of licensure. The license fee shall
 3061 be deposited into the Pari-mutuel Wagering Trust Fund ~~of the~~
 3062 ~~Department of Business and Professional Regulation~~ to be used by
 3063 the department division and the Department of Law Enforcement
 3064 for investigations, regulation of slot machine gaming, and
 3065 enforcement of slot machine gaming provisions under this part
 3066 ~~chapter~~. These payments shall be accounted for separately from
 3067 taxes or fees paid pursuant to the provisions of chapter 550.

3068 (2) TAX ON SLOT MACHINE REVENUES.—

3069 (a) The tax rate on slot machine revenues at each facility
 3070 shall be 35 percent. If a destination resort license is issued,
 3071 and after the first game is conducted at the destination resort,
 3072 the tax rate on slot machine revenues at each facility within
 3073 that county shall be 10 percent. If, during any state fiscal
 3074 year, the aggregate amount of tax paid to the state by all slot
 3075 machine licensees in Broward and Miami-Dade Counties is less
 3076 than the aggregate amount of tax paid to the state by all slot
 3077 machine licensees in the 2008-2009 fiscal year, each slot
 3078 machine licensee shall pay to the state within 45 days after the
 3079 end of the state fiscal year a surcharge equal to its pro rata
 3080 share of an amount equal to the difference between the aggregate
 3081 amount of tax paid to the state by all slot machine licensees in
 3082 the 2008-2009 fiscal year and the amount of tax paid during the
 3083 fiscal year. Each licensee's pro rata share shall be an amount
 3084 determined by dividing the number 1 by the number of facilities

3085 licensed to operate slot machines during the applicable fiscal
 3086 year, regardless of whether the facility is operating such
 3087 machines.

3088 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
 3089 fails to make tax payments as required under this section is
 3090 subject to an administrative penalty of up to \$10,000 for each
 3091 day the tax payment is not remitted. All administrative
 3092 penalties imposed and collected shall be deposited into the
 3093 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
 3094 ~~and Professional Regulation~~. If any slot machine licensee fails
 3095 to pay penalties imposed by order of the department ~~division~~
 3096 under this subsection, the department ~~division~~ may suspend,
 3097 revoke, or refuse to renew the license of the slot machine
 3098 licensee.

3099 Section 53. Subsection (1), paragraph (d) of subsection
 3100 (4), paragraph (a) of subsection (6), and subsection (11) of
 3101 section 551.107, Florida Statutes, are amended to read:

3102 551.107 Slot machine occupational license; findings;
 3103 application; fee.—

3104 (1) The Legislature finds that individuals and entities
 3105 that are licensed under this section require heightened state
 3106 scrutiny, including the submission by the individual licensees
 3107 or persons associated with the entities described in this part
 3108 ~~chapter~~ of fingerprints for a criminal history record check.

3109 (4)

3110 (d) The slot machine occupational license fee for initial
 3111 application and annual renewal shall be determined by rule of
 3112 the department ~~division~~ but may not exceed \$50 for a general or

3113 professional occupational license for an employee of the slot
 3114 machine licensee or \$1,000 for a business occupational license
 3115 for nonemployees of the licensee providing goods or services to
 3116 the slot machine licensee. License fees for general occupational
 3117 licensees shall be paid by the slot machine licensee. Failure to
 3118 pay the required fee constitutes grounds for disciplinary action
 3119 by the department ~~division~~ against the slot machine licensee,
 3120 but it is not a violation of this part ~~chapter~~ or rules of the
 3121 department ~~division~~ by the general occupational licensee and
 3122 does not prohibit the initial issuance or the renewal of the
 3123 general occupational license.

3124 (6) (a) The department ~~division~~ may deny, suspend, revoke,
 3125 or refuse to renew any slot machine occupational license if the
 3126 applicant for such license or the licensee has violated the
 3127 provisions of this part ~~chapter~~ or the rules of the department
 3128 ~~division~~ governing the conduct of persons connected with slot
 3129 machine gaming. In addition, the department ~~division~~ may deny,
 3130 suspend, revoke, or refuse to renew any slot machine
 3131 occupational license if the applicant for such license or the
 3132 licensee has been convicted in this state, in any other state,
 3133 or under the laws of the United States of a capital felony, a
 3134 felony, or an offense in any other state that would be a felony
 3135 under the laws of this state involving arson; trafficking in,
 3136 conspiracy to traffic in, smuggling, importing, conspiracy to
 3137 smuggle or import, or delivery, sale, or distribution of a
 3138 controlled substance; racketeering; or a crime involving a lack
 3139 of good moral character, or has had a gaming license revoked by
 3140 this state or any other jurisdiction for any gaming-related

3141 offense.

3142 (11) The department ~~division~~ may impose a civil fine of up

3143 to \$5,000 for each violation of this part ~~chapter~~ or the rules

3144 of the department ~~division~~ in addition to or in lieu of any

3145 other penalty provided for in this section. The department

3146 ~~division~~ may adopt a penalty schedule for violations of this

3147 part ~~chapter~~ or any rule adopted pursuant to this part ~~chapter~~

3148 for which it would impose a fine in lieu of a suspension and

3149 adopt rules allowing for the issuance of citations, including

3150 procedures to address such citations, to persons who violate

3151 such rules. In addition to any other penalty provided by law,

3152 the department ~~division~~ may exclude from all licensed slot

3153 machine facilities in this state, for a period not to exceed the

3154 period of suspension, revocation, or ineligibility, any person

3155 whose occupational license application has been declared

3156 ineligible to hold an occupational license or whose occupational

3157 license has been suspended or revoked by the department

3158 ~~division~~.

3159 Section 54. Subsection (2) of section 551.108, Florida

3160 Statutes, is amended to read:

3161 551.108 Prohibited relationships.—

3162 (2) A manufacturer or distributor of slot machines may not

3163 enter into any contract with a slot machine licensee that

3164 provides for any revenue sharing of any kind or nature that is

3165 directly or indirectly calculated on the basis of a percentage

3166 of slot machine revenues. Any maneuver, shift, or device whereby

3167 this subsection is violated is a violation of this part ~~chapter~~

3168 and renders any such agreement void.

3169 Section 55. Subsections (1), (2), and (7) of section
 3170 551.109, Florida Statutes, are amended to read:

3171 551.109 Prohibited acts; penalties.—

3172 (1) Except as otherwise provided by law and in addition to
 3173 any other penalty, any person who knowingly makes or causes to
 3174 be made, or aids, assists, or procures another to make, a false
 3175 statement in any report, disclosure, application, or any other
 3176 document required under this part ~~chapter~~ or any rule adopted
 3177 under this part ~~chapter~~ is subject to an administrative fine or
 3178 civil penalty of up to \$10,000.

3179 (2) Except as otherwise provided by law and in addition to
 3180 any other penalty, any person who possesses a slot machine
 3181 without the license required by this part ~~chapter~~ or who
 3182 possesses a slot machine at any location other than at the slot
 3183 machine licensee's facility is subject to an administrative fine
 3184 or civil penalty of up to \$10,000 per machine. The prohibition
 3185 in this subsection does not apply to:

3186 (a) Slot machine manufacturers or slot machine
 3187 distributors that hold appropriate licenses issued by the
 3188 department ~~division~~ who are authorized to maintain a slot
 3189 machine storage and maintenance facility at any location in a
 3190 county in which slot machine gaming is authorized by this part
 3191 ~~chapter~~. The department ~~division~~ may adopt rules regarding
 3192 security and access to the storage facility and inspections by
 3193 the department ~~division~~.

3194 (b) Certified educational facilities that are authorized
 3195 to maintain slot machines for the sole purpose of education and
 3196 licensure, if any, of slot machine technicians, inspectors, or

3197 | investigators. The department ~~division~~ and the Department of Law
 3198 | Enforcement may possess slot machines for training and testing
 3199 | purposes. The department ~~division~~ may adopt rules regarding the
 3200 | regulation of any such slot machines used for educational,
 3201 | training, or testing purposes.

3202 | (7) All penalties imposed and collected under this section
 3203 | must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
 3204 | ~~the Department of Business and Professional Regulation.~~

3205 | Section 56. Section 551.111, Florida Statutes, is amended
 3206 | to read:

3207 | 551.111 Legal devices.—Notwithstanding any provision of
 3208 | law to the contrary, a slot machine manufactured, sold,
 3209 | distributed, possessed, or operated according to the provisions
 3210 | of this part ~~chapter~~ is not unlawful.

3211 | Section 57. Section 551.112, Florida Statutes, is amended
 3212 | to read:

3213 | 551.112 Exclusions of certain persons.—In addition to the
 3214 | power to exclude certain persons from any facility of a slot
 3215 | machine licensee in this state, the department ~~division~~ may
 3216 | exclude any person from any facility of a slot machine licensee
 3217 | in this state for conduct that would constitute, if the person
 3218 | were a licensee, a violation of this part ~~chapter~~ or the rules
 3219 | of the department ~~division~~. The department ~~division~~ may exclude
 3220 | from any facility of a slot machine licensee any person who has
 3221 | been ejected from a facility of a slot machine licensee in this
 3222 | state or who has been excluded from any facility of a slot
 3223 | machine licensee or gaming facility in another state by the
 3224 | governmental department, agency, commission, or authority

3225 exercising regulatory jurisdiction over the gaming in such other
 3226 state. This section does not abrogate the common law right of a
 3227 slot machine licensee to exclude a patron absolutely in this
 3228 state.

3229 Section 58. Section 551.117, Florida Statutes, is amended
 3230 to read:

3231 551.117 Penalties.—The department ~~division~~ may revoke or
 3232 suspend any slot machine license issued under this part ~~chapter~~
 3233 upon the willful violation by the slot machine licensee of any
 3234 provision of this part ~~chapter~~ or of any rule adopted under this
 3235 part ~~chapter~~. In lieu of suspending or revoking a slot machine
 3236 license, the department ~~division~~ may impose a civil penalty
 3237 against the slot machine licensee for a violation of this part
 3238 ~~chapter~~ or any rule adopted by the department ~~division~~. Except
 3239 as otherwise provided in this part ~~chapter~~, the penalty so
 3240 imposed may not exceed \$100,000 for each count or separate
 3241 offense. All penalties imposed and collected must be deposited
 3242 into the Pari-mutuel Wagering Trust Fund ~~of the Department of~~
 3243 ~~Business and Professional Regulation.~~

3244 Section 59. Section 551.119, Florida Statutes, is amended
 3245 to read:

3246 551.119 Caterer's license.—A slot machine licensee is
 3247 entitled to a caterer's license pursuant to s. 565.02 on days on
 3248 which the pari-mutuel facility is open to the public for slot
 3249 machine game play as authorized by this part ~~chapter~~.

3250 Section 60. Section 551.122, Florida Statutes, is amended
 3251 to read:

3252 551.122 Rulemaking.—The department ~~division~~ may adopt

3253 rules pursuant to ss. 120.536(1) and 120.54 to administer the
 3254 provisions of this part ~~chapter~~.

3255 Section 61. Section 551.123, Florida Statutes, is amended
 3256 to read:

3257 551.123 Legislative authority; administration of part
 3258 ~~chapter~~.—The Legislature finds and declares that it has
 3259 exclusive authority over the conduct of all wagering occurring
 3260 at a slot machine facility in this state. As provided by law,
 3261 only the department ~~Division of Pari-mutuel Wagering~~ and other
 3262 authorized state agencies shall administer this part ~~chapter~~ and
 3263 regulate the slot machine gaming industry, including operation
 3264 of slot machine facilities, games, slot machines, and
 3265 facilities-based computer systems authorized in this part
 3266 ~~chapter~~ and the rules adopted by the department ~~division~~.

3267 Section 62. Subsection (5) of section 565.02, Florida
 3268 Statutes, is amended to read:

3269 565.02 License fees; vendors; clubs; caterers; and
 3270 others.—

3271 (5) A caterer at a horse or dog racetrack or jai alai
 3272 fronton may obtain a license upon the payment of an annual state
 3273 license tax of \$675. Such caterer's license shall permit sales
 3274 only within the enclosure in which such races or jai alai games
 3275 are conducted, and such licensee shall be permitted to sell only
 3276 during the period beginning 10 days before and ending 10 days
 3277 after racing or jai alai under the authority ~~of the Division of~~
 3278 ~~Pari-mutuel Wagering~~ of the Department of Gaming Control
 3279 ~~Business and Professional Regulation~~ is conducted at such
 3280 racetrack or jai alai fronton. Except as in this subsection

3281 otherwise provided, caterers licensed hereunder shall be treated
 3282 as vendors licensed to sell by the drink the beverages mentioned
 3283 herein and shall be subject to all the provisions hereof
 3284 relating to such vendors.

3285 Section 63. Section 817.37, Florida Statutes, is amended
 3286 to read:

3287 817.37 Touting; defining; providing punishment; ejection
 3288 from racetracks.—

3289 (1) Any person who knowingly and designedly by false
 3290 representation attempts to, or does persuade, procure or cause
 3291 another person to wager on a horse in a race to be run in this
 3292 state or elsewhere, and upon which money is wagered in this
 3293 state, and who asks or demands compensation as a reward for
 3294 information or purported information given in such case is a
 3295 tout, and is guilty of touting.

3296 (2) Any person who is a tout, or who attempts or conspires
 3297 to commit touting, shall be guilty of a misdemeanor of the
 3298 second degree, punishable as provided in s. 775.082 or s.
 3299 775.083.

3300 (3) Any person who in the commission of touting falsely
 3301 uses the name of any official of the Department of Gaming
 3302 Control ~~Florida Division of Pari-mutuel Wagering~~, its inspectors
 3303 or attaches, or of any official of any racetrack association, or
 3304 the names of any owner, trainer, jockey, or other person
 3305 licensed by the Department of Gaming Control ~~Florida Division of~~
 3306 ~~Pari-mutuel Wagering~~, as the source of any information or
 3307 purported information shall be guilty of a felony of the third
 3308 degree, punishable as provided in s. 775.082, s. 775.083, or s.

3309 775.084.
 3310 (4) Any person who has been convicted of touting by any
 3311 court, and the record of whose conviction on such charge is on
 3312 file in the office of the Department of Gaming Control Florida
 3313 ~~Division of Pari-mutuel Wagering~~, any court of this state, or of
 3314 the Federal Bureau of Investigation, or any person who has been
 3315 ejected from any racetrack of this or any other state for
 3316 touting or practices inimical to the public interest shall be
 3317 excluded from all racetracks in this state and if such person
 3318 returns to a racetrack he or she shall be guilty of a
 3319 misdemeanor of the second degree, punishable as provided in s.
 3320 775.082 or s. 775.083. Any such person who refuses to leave such
 3321 track when ordered to do so by inspectors of the Department of
 3322 Gaming Control Florida ~~Division of Pari-mutuel Wagering~~ or by
 3323 any peace officer, or by an accredited attaché ~~attache~~ of a
 3324 racetrack or association shall be guilty of a separate offense
 3325 which shall be a misdemeanor of the second degree, punishable as
 3326 provided in s. 775.083.

3327 Section 64. Paragraph (g) of subsection (2) and
 3328 subsections (4) and (16) of section 849.086, Florida Statutes,
 3329 are amended to read:

3330 849.086 Cardrooms authorized.—

3331 (2) DEFINITIONS.—As used in this section:

3332 (g) "Division" means the ~~Division of Pari-mutuel Wagering~~
 3333 ~~of the~~ Department of Gaming Control ~~Business and Professional~~
 3334 ~~Regulation~~.

3335 (4) AUTHORITY OF DIVISION.—The ~~division of Pari-mutuel~~
 3336 ~~Wagering of the~~ department ~~of Business and Professional~~

3337 ~~Regulation~~ shall administer this section and regulate the
 3338 operation of cardrooms under this section and the rules adopted
 3339 pursuant thereto, and is hereby authorized to:

3340 (a) Adopt rules, including, but not limited to: the
 3341 issuance of cardroom and employee licenses for cardroom
 3342 operations; the operation of a cardroom; recordkeeping and
 3343 reporting requirements; and the collection of all fees and taxes
 3344 imposed by this section.

3345 (b) Conduct investigations and monitor the operation of
 3346 cardrooms and the playing of authorized games therein.

3347 (c) Review the books, accounts, and records of any current
 3348 or former cardroom operator.

3349 (d) Suspend or revoke any license or permit, after
 3350 hearing, for any violation of the provisions of this section or
 3351 the administrative rules adopted pursuant thereto.

3352 (e) Take testimony, issue summons and subpoenas for any
 3353 witness, and issue subpoenas duces tecum in connection with any
 3354 matter within its jurisdiction.

3355 (f) Monitor and ensure the proper collection of taxes and
 3356 fees imposed by this section. Permitholder internal controls are
 3357 mandated to ensure no compromise of state funds. To that end, a
 3358 roaming division auditor will monitor and verify the cash flow
 3359 and accounting of cardroom revenue for any given operating day.

3360 (16) LOCAL GOVERNMENT APPROVAL.—The department may
 3361 ~~division of Pari-mutuel Wagering shall~~ not issue any initial
 3362 license under this section except upon proof in such form as the
 3363 division may prescribe that the local government where the
 3364 applicant for such license desires to conduct cardroom gaming

3365 has voted to approve such activity by a majority vote of the
 3366 governing body of the municipality or the governing body of the
 3367 county if the facility is not located in a municipality.

3368 Section 65. (1) Sections 65 through 78 of this act may be
 3369 cited as the "Electronic Gambling Prohibition and Community
 3370 Protection Act."

3371 Section 66. (1) The Legislature declares that s. 849.01
 3372 specifically prohibits the keeping or maintaining of a place for
 3373 the purpose of gaming or gambling.

3374 (2) The Legislature finds that s 849.0935 was enacted to
 3375 allow specified charitable or nonprofit organizations the
 3376 opportunity to raise funds to carry out their charitable or
 3377 nonprofit purpose by conducting a raffle for prizes by
 3378 eliminating the element of consideration and allowing the
 3379 receipt of voluntary donations or contributions and was not
 3380 intended to provide a vehicle for the establishment of places of
 3381 gambling or gaming.

3382 (3) The Legislature finds that s. 849.094 was enacted to
 3383 regulate certain game promotions or sweepstakes conducted by
 3384 for-profit commercial entities on a limited and occasional basis
 3385 as an advertising and marketing tool and incidental to
 3386 substantial bona fide sales of consumer products or services
 3387 provided the element of consideration is removed as no purchase
 3388 necessary and provided they comply with the requirements and
 3389 rules specified by law and was not intended to provide a vehicle
 3390 for the establishment of places of ongoing gambling or gaming.

3391 (4) Therefore, the Legislature finds that there is a
 3392 compelling state interest in addressing the deleterious effects

3393 of the proliferation of electronic machines and devices used for
 3394 maintaining an ongoing place of gaming or gambling under the
 3395 pretext of conducting a charitable non-profit drawing by chance,
 3396 or a sweepstakes game promotion in connection with the sale of a
 3397 consumer product or service. The Legislature declares that it is
 3398 the intent of this act to prohibit the use of such devices and
 3399 nothing in this act may be construed to authorize the possession
 3400 or operation of any machine or device that is prohibited under
 3401 any other provision of law.

3402 Section 67. (1) All of the statutory powers, duties,
 3403 functions, records, personnel, administrative authority;
 3404 administrative rules; pending issues; and filings,
 3405 certifications, and existing contracts for administration and
 3406 enforcement of section 849.094, Florida Statutes, relating to
 3407 game promotions in connection with sale of consumer products or
 3408 services, are transferred by a type two transfer, as defined in
 3409 section 20.06(2), Florida Statutes, from the Department of
 3410 Agriculture and Consumer Services to the Department of Gaming
 3411 Control.

3412 (2) The transfer of regulatory authority under section
 3413 849.094, Florida Statutes, provided by this section shall not
 3414 affect the validity of any judicial or administrative action
 3415 pending as of 11:59 p.m. on the day before the effective date of
 3416 this section to which the Department of Agriculture and Consumer
 3417 Services is at that time a party, and the Department of Gaming
 3418 Control shall be substituted as a party in interest in any such
 3419 action.

3420 (3) All lawful orders issued by the Department of

3421 Agriculture and Consumer Services implementing or enforcing or
 3422 otherwise in regard to any provision of section 849.094, Florida
 3423 Statutes, issued prior to the effective date of this section
 3424 shall remain in effect and be enforceable after the effective
 3425 date of this section unless thereafter modified in accordance
 3426 with law.

3427 (4) The rules of the Department of Agriculture and
 3428 Consumer Services relating to the implementation of section
 3429 849.094, Florida Statutes, that were in effect at 11:59 p.m. on
 3430 the day prior to the effective date of this section shall become
 3431 the rules of the Department of Gaming Control and shall remain
 3432 in effect until amended or repealed in the manner provided by
 3433 law.

3434 Section 68. Paragraph (a) of subsection (1) and
 3435 subsections (2), (4), and (7) of section 849.0935, Florida
 3436 Statutes, are amended to read:

3437 849.0935 Charitable, nonprofit organizations; drawings by
 3438 chance; required disclosures; unlawful acts and practices;
 3439 penalties.—

3440 (1) As used in this section, the term:

3441 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
 3442 an enterprise in which, from the entries submitted by the public
 3443 to the organization conducting the drawing, one or more entries
 3444 are selected by chance to win a prize. The term "drawing" does
 3445 not include those enterprises, commonly known as "game
 3446 promotions," as defined by s. 849.094, "matching," "instant
 3447 winner," or "preselected sweepstakes," which involve the
 3448 distribution of winning numbers, previously designated as such,

3449 to the public.

3450 (2) The provisions of s. 849.09 shall not be construed to
 3451 prohibit an organization ~~qualified under 26 U.S.C. s. 501(c)(3),~~
 3452 ~~(4), (7), (8), (10), or (19)~~ from conducting drawings by chance
 3453 pursuant to the authority granted by this section, provided the
 3454 organization has complied with all applicable provisions of
 3455 chapter 496 and this section. Authority to conduct drawings by
 3456 chance pursuant to this section does not provide an exemption to
 3457 s. 849.01, s. 849.15, or any other law.

3458 (4) It is unlawful for any organization that ~~which~~,
 3459 pursuant to the authority granted by this section, promotes,
 3460 operates, or conducts a drawing by chance:

3461 (a) To design, engage in, promote, or conduct any drawing
 3462 in which the winner is predetermined by means of matching,
 3463 instant win, or preselected sweepstakes or otherwise or in which
 3464 the selection of the winners is in any way rigged;

3465 (b) To require an entry fee, donation, substantial
 3466 consideration, payment, proof of purchase, or contribution as a
 3467 condition of entering the drawing or of being selected to win a
 3468 prize. However, this provision shall not prohibit an
 3469 organization from suggesting a minimum donation or from
 3470 including a statement of such suggested minimum donation on any
 3471 printed material used ~~utilized~~ in connection with the
 3472 fundraising event or drawing;

3473 (c) To condition the drawing on a minimum number of
 3474 tickets having been disbursed to contributors or on a minimum
 3475 amount of contributions having been received;

3476 (d) To arbitrarily remove, disqualify, disallow, or reject

3477 any entry or to discriminate in any manner between entrants who
 3478 gave contributions to the organization and those who did not
 3479 give such contributions;

3480 (e) To fail to promptly notify, at the address set forth
 3481 on the entry blank, any person, whose entry is selected to win,
 3482 of the fact that he or she won;

3483 (f) To fail to award all prizes offered;

3484 (g) To print, publish, or circulate literature or
 3485 advertising material used in connection with the drawing which
 3486 is false, deceptive, or misleading;

3487 (h) To cancel a drawing; ~~or~~

3488 (i) To condition the acquisition or giveaway of any prize
 3489 upon the receipt of voluntary donations or contributions; or

3490 (j) To engage in, promote, or conduct any drawing through
 3491 the use of any mechanically or electronically operated machine,
 3492 network, system, or device that is:

3493 1. Owned, leased, or otherwise controlled by the
 3494 organization or a partner, affiliate, subsidiary, contractor, or
 3495 agent of the organization; and

3496 2. Operated, played, or otherwise interacted with by an
 3497 entrant to the drawing in an establishment controlled by or in
 3498 any way affiliated with the operator.

3499 ~~(7) (a) Any organization which engages in any act or~~
 3500 ~~practice in violation of this section is guilty of a misdemeanor~~
 3501 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
 3502 ~~775.083. However,~~ Any organization or other person who sells or
 3503 offers for sale in this state a ticket or entry blank for a
 3504 raffle or other drawing by chance, without complying with the

3505 requirements of paragraph (3)(d), commits ~~is guilty of~~ a
 3506 misdemeanor of the second degree, punishable by fine only as
 3507 provided in s. 775.083.

3508 (b) Any organization or person who violates paragraph
 3509 (4)(j) commits a misdemeanor of the first degree, punishable as
 3510 provided in s. 775.082 or s. 775.083.

3511 (c) Any organization that engages in any other act or
 3512 practice in violation of this section commits a misdemeanor of
 3513 the second degree, punishable as provided in s. 775.082 or s.
 3514 775.083.

3515 Section 69. Section 849.094, Florida Statutes, is amended
 3516 to read:

3517 (1) As used in this section, the term:

3518 (a) "Department" means the Department of Business and
 3519 Professional Regulation.

3520 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a
 3521 contest, game of chance, sweepstakes, or gift enterprise,
 3522 conducted by an operator within or throughout the state and
 3523 other states in connection with and incidental to the sale of
 3524 consumer products or services, and in which the elements of
 3525 chance and prize are present. However, "game promotion" may
 3526 shall not be construed to apply to bingo games conducted
 3527 pursuant to s. 849.0931.

3528 (c) ~~(b)~~ "Operator" means any person, firm, corporation,
 3529 enterprise, organization, or association or agent or employee
 3530 thereof who promotes, operates, or conducts a game promotion,
 3531 except any charitable nonprofit organization.

3532 (2) The provisions of s. 849.09 may not be construed to

3533 prohibit an operator from conducting a game promotion pursuant
 3534 to this section, provided the operator has complied with the
 3535 provisions of this section. Authority to conduct game promotions
 3536 pursuant to this section does not provide an exemption to s.
 3537 849.01, s. 849.15, or any other law.

3538 (3) An organization, as defined by s. 849.0935, may not
 3539 operate a game promotion.

3540 (4)~~(2)~~ It is unlawful for any operator:

3541 (a) To engage in, promote, or conduct such a game
 3542 promotion through the use of any mechanically or electronically
 3543 operated machine, network, system, or device that is:

3544 1. Owned, leased, or otherwise controlled by the
 3545 organization or the organization's partners, affiliates,
 3546 subsidiaries, contractors, or agents; and

3547 2. Operated, played, or otherwise interacted with by an
 3548 entrant to the game promotion in an establishment controlled by
 3549 or in any way affiliated with the operator.

3550 (b)~~(a)~~ To design, engage in, promote, or conduct such a
 3551 game promotion, in connection with the promotion or sale of
 3552 consumer products or services, wherein the winner may be
 3553 predetermined or the game may be manipulated or rigged so as to:

3554 1. Allocate a winning game or any portion thereof to
 3555 certain lessees, agents, or franchises; or

3556 2. Allocate a winning game or part thereof to a particular
 3557 period of the game promotion or to a particular geographic area;

3558 (c)~~(b)~~ Arbitrarily to remove, disqualify, disallow, or
 3559 reject any entry;

3560 (d)~~(e)~~ To fail to award prizes offered;

3561 (e)~~(d)~~ To print, publish, or circulate literature or
 3562 advertising material used in connection with such game
 3563 promotions which is false, deceptive, or misleading; or
 3564 (f)~~(e)~~ To require an entry fee, payment, or proof of
 3565 purchase as a condition of entering a game promotion.
 3566 (5)~~(3)~~ The operator of a game promotion in which the total
 3567 announced value of the prizes offered is greater than \$5,000
 3568 shall file with the department ~~of Agriculture and Consumer~~
 3569 ~~Services~~ a copy of the rules and regulations of the game
 3570 promotion and a list of all prizes and prize categories offered
 3571 at least 7 days before the commencement of the game promotion.
 3572 Such rules and regulations may not thereafter be changed,
 3573 modified, or altered. The operator of a game promotion shall
 3574 conspicuously post the rules and regulations of such game
 3575 promotion in each and every retail outlet or place where such
 3576 game promotion may be played or participated in by the public
 3577 and shall also publish the rules and regulations in all
 3578 advertising copy used in connection therewith. However, such
 3579 advertising copy need only include the material terms of the
 3580 rules and regulations if the advertising copy includes a website
 3581 address, a toll-free telephone number, or a mailing address
 3582 where the full rules and regulations may be viewed, heard, or
 3583 obtained for the full duration of the game promotion. Such
 3584 disclosures must be legible. Radio and television announcements
 3585 may indicate that the rules and regulations are available at
 3586 retail outlets or from the operator of the promotion. A
 3587 nonrefundable filing fee of \$100 shall accompany each filing and
 3588 shall be used to pay the costs incurred in administering and

3589 enforcing the provisions of this section.

3590 (6)~~(4)~~(a) Every operator of such a game promotion in which
 3591 the total announced value of the prizes offered is greater than
 3592 \$5,000 shall establish a trust account, in a national or state-
 3593 chartered financial institution, with a balance sufficient to
 3594 pay or purchase the total value of all prizes offered. On a form
 3595 supplied by the department ~~of Agriculture and Consumer Services~~,
 3596 an official of the financial institution holding the trust
 3597 account shall set forth the dollar amount of the trust account,
 3598 the identity of the entity or individual establishing the trust
 3599 account, and the name of the game promotion for which the trust
 3600 account has been established. Such form shall be filed with the
 3601 department ~~of Agriculture and Consumer Services~~ at least 7 days
 3602 in advance of the commencement of the game promotion. In lieu of
 3603 establishing such trust account, the operator may obtain a
 3604 surety bond in an amount equivalent to the total value of all
 3605 prizes offered; and such bond shall be filed with the department
 3606 ~~of Agriculture and Consumer Services~~ at least 7 days in advance
 3607 of the commencement of the game promotion.

3608 1. The moneys held in the trust account may be withdrawn
 3609 in order to pay the prizes offered only upon certification to
 3610 the department ~~of Agriculture and Consumer Services~~ of the name
 3611 of the winner or winners and the amount of the prize or prizes
 3612 and the value thereof.

3613 2. If the operator of a game promotion has obtained a
 3614 surety bond in lieu of establishing a trust account, the amount
 3615 of the surety bond shall equal at all times the total amount of
 3616 the prizes offered.

3617 (b) The department of ~~Agriculture and Consumer Services~~
 3618 may waive the provisions of this subsection for any operator who
 3619 has conducted game promotions in the state for not less than 5
 3620 consecutive years and who has not had any civil, criminal, or
 3621 administrative action instituted against him or her by the state
 3622 or an agency of the state for violation of this section within
 3623 that 5-year period. Such waiver may be revoked upon the
 3624 commission of a violation of this section by such operator, as
 3625 determined by the department of ~~Agriculture and Consumer~~
 3626 ~~Services~~.

3627 (7) ~~(5)~~ Every operator of a game promotion in which the
 3628 total announced value of the prizes offered is greater than
 3629 \$5,000 shall provide the department of ~~Agriculture and Consumer~~
 3630 ~~Services~~ with a certified list of the names and addresses of all
 3631 persons, whether from this state or from another state, who have
 3632 won prizes which have a value of more than \$25, the value of
 3633 such prizes, and the dates when the prizes were won within 60
 3634 days after such winners have been finally determined. The
 3635 operator shall provide a copy of the list of winners, without
 3636 charge, to any person who requests it. In lieu of the foregoing,
 3637 the operator of a game promotion may, at his or her option,
 3638 publish the same information about the winners in a Florida
 3639 newspaper of general circulation within 60 days after such
 3640 winners have been determined and shall provide to the department
 3641 of ~~Agriculture and Consumer Services~~ a certified copy of the
 3642 publication containing the information about the winners. The
 3643 operator of a game promotion is not required to notify a winner
 3644 by mail or by telephone when the winner is already in possession

3645 of a game card from which the winner can determine that he or
 3646 she has won a designated prize. All winning entries shall be
 3647 held by the operator for a period of 90 days after the close or
 3648 completion of the game.

3649 (8)~~(6)~~ The department ~~of Agriculture and Consumer Services~~
 3650 shall keep the certified list of winners for a period of at
 3651 least 6 months after receipt of the certified list. The
 3652 department thereafter may dispose of all records and lists.

3653 (9)~~(7)~~ No operator shall force, directly or indirectly, a
 3654 lessee, agent, or franchise dealer to purchase or participate in
 3655 any game promotion. For the purpose of this section, coercion or
 3656 force shall be presumed in these circumstances in which a course
 3657 of business extending over a period of 1 year or longer is
 3658 materially changed coincident with a failure or refusal of a
 3659 lessee, agent, or franchise dealer to participate in such game
 3660 promotions. Such force or coercion shall further be presumed
 3661 when an operator advertises generally that game promotions are
 3662 available at its lessee dealers or agent dealers.

3663 (10)~~(8)~~(a) The department may adopt ~~of Agriculture and~~
 3664 ~~Consumer Services shall have the power to promulgate~~ such rules
 3665 and regulations respecting the operation of game promotions as
 3666 it deems ~~may deem~~ advisable.

3667 (b) Compliance with the rules of the department does not
 3668 authorize and is not a defense to a charge of possession of a
 3669 slot machine or device or any other device or a violation of any
 3670 other law.

3671 (c)~~(b)~~ Whenever the department ~~of Agriculture and Consumer~~
 3672 ~~Services~~ or the Department of Legal Affairs has reason to

3673 believe that a game promotion is being operated in violation of
 3674 this section, it may bring an action in the circuit court of any
 3675 judicial circuit in which the game promotion is being operated
 3676 in the name and on behalf of the people of the state against any
 3677 operator thereof to enjoin the continued operation of such game
 3678 promotion anywhere within the state.

3679 (11)~~(9)~~ (a) Any person, firm, or corporation, or
 3680 association or agent or employee thereof, who engages in any
 3681 acts or practices stated in this section to be unlawful, or who
 3682 violates any of the rules and regulations made pursuant to this
 3683 section, commits ~~is guilty of~~ a misdemeanor of the second
 3684 degree, punishable as provided in s. 775.082 or s. 775.083.

3685 (b) Any person, firm, or corporation, or association or
 3686 agent or employee thereof, who violates paragraph (4) (a) commits
 3687 a felony of the third degree, punishable as provided in s.
 3688 775.082, s. 775.083, or s. 775.084.

3689 (c)~~(b)~~ Any person, firm, corporation, association, agent,
 3690 or employee who violates any provision of this section or any of
 3691 the rules and regulations made pursuant to this section shall be
 3692 liable for a civil penalty of not more than \$1,000 for each such
 3693 violation, which shall accrue to the state and may be recovered
 3694 in a civil action brought by the department ~~of Agriculture and~~
 3695 ~~Consumer Services~~ or the Department of Legal Affairs.

3696 (12) A violation of this section, or soliciting another to
 3697 do an act which violates this section, constitutes a deceptive
 3698 and unfair trade practice actionable under the Florida Deceptive
 3699 and Unfair Trade Practices Act.

3700 (13)~~(10)~~ ~~This section does not apply to actions or~~

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3701 ~~transactions regulated by the Department of Business and~~
 3702 ~~Professional Regulation or to the activities of nonprofit~~
 3703 ~~organizations or to any other organization engaged in any~~
 3704 ~~enterprise other than the sale of consumer products or services.~~
 3705 Subsections ~~(3), (4),~~ (5), (6), and (7), (8), and (9) and
 3706 paragraph (10) ~~(8)~~ (a) and any of the rules made pursuant thereto
 3707 do not apply to television or radio broadcasting companies
 3708 licensed by the Federal Communications Commission.

3709 Section 70. Section 849.16, Florida Statutes, is amended
 3710 to read:

3711 849.16 Machines or devices which come within provisions of
 3712 law defined.—

3713 (1) As used in this chapter, the term "slot machine or
 3714 device" means any machine or device or system or network of
 3715 devices ~~is a slot machine or device within the provisions of~~
 3716 ~~this chapter if it is one~~ that is adapted for use in such a way
 3717 that, upon activation, which may be achieved by, but is not
 3718 limited to, as a result of the insertion of any piece of money,
 3719 coin, account number, code or any other object or information,
 3720 such ~~machine or device~~ or system is directly or indirectly
 3721 caused to operate or may be operated and if the user, whether by
 3722 application of skill or by reason of any element of chance or ~~of~~
 3723 any other outcome ~~of such operation~~ unpredictable by the user
 3724 ~~him or her~~, may:

3725 (a) Receive or become entitled to receive any piece of
 3726 money, credit, allowance, or thing of value, or any check, slug,
 3727 token, or memorandum, whether of value or otherwise, which may
 3728 be exchanged for any money, credit, allowance, or thing of value

3729 or which may be given in trade; or

3730 (b) Secure additional chances or rights to use such
 3731 machine, apparatus, or device, even though the device or system
 3732 ~~it~~ may be available for free play or, in addition to any element
 3733 of chance or unpredictable outcome of such operation, may also
 3734 sell, deliver, or present some merchandise, indication of
 3735 weight, entertainment, or other thing of value. The term "slot
 3736 machine or device" includes, but is not limited to, devices
 3737 regulated as slot machines pursuant to chapter 551.

3738 (2) Nothing contained in this chapter shall be construed,
 3739 interpreted, or applied to the possession of a reverse vending
 3740 machine. As used in this section, a reverse vending machine is a
 3741 machine into which empty beverage containers are deposited for
 3742 recycling and which provides a payment of money, merchandise,
 3743 vouchers, or other incentives. At a frequency less than upon the
 3744 deposit of each beverage container, a reverse vending machine
 3745 may pay out a random incentive bonus greater than that
 3746 guaranteed payment in the form of money, merchandise, vouchers,
 3747 or other incentives. The deposit of any empty beverage container
 3748 into a reverse vending machine does not constitute consideration
 3749 nor shall a reverse vending machine be deemed to be a slot
 3750 machine within this section.

3751 (3) There is a rebuttable presumption that a device,
 3752 system, or network is a prohibited slot machine or device if it
 3753 is used to display images of games of chance and is part of a
 3754 scheme involving any payment or donation of money or its
 3755 equivalent and awarding any thing of value.

3756 Section 71. Paragraph (a) of subsection (1) of section

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3757 | 895.02, Florida Statutes, is amended to read:
 3758 | 895.02 Definitions.—As used in ss. 895.01-895.08, the
 3759 | term:
 3760 | (1) "Racketeering activity" means to commit, to attempt to
 3761 | commit, to conspire to commit, or to solicit, coerce, or
 3762 | intimidate another person to commit:
 3763 | (a) Any crime that is chargeable by petition, indictment,
 3764 | or information under the following provisions of the Florida
 3765 | Statutes:
 3766 | 1. Section 210.18, relating to evasion of payment of
 3767 | cigarette taxes.
 3768 | 2. Section 316.1935, relating to fleeing or attempting to
 3769 | elude a law enforcement officer and aggravated fleeing or
 3770 | eluding.
 3771 | 3. Section 403.727(3)(b), relating to environmental
 3772 | control.
 3773 | 4. Section 409.920 or s. 409.9201, relating to Medicaid
 3774 | fraud.
 3775 | 5. Section 414.39, relating to public assistance fraud.
 3776 | 6. Section 440.105 or s. 440.106, relating to workers'
 3777 | compensation.
 3778 | 7. Section 443.071(4), relating to creation of a
 3779 | fictitious employer scheme to commit unemployment compensation
 3780 | fraud.
 3781 | 8. Section 465.0161, relating to distribution of medicinal
 3782 | drugs without a permit as an Internet pharmacy.
 3783 | 9. Section 499.0051, relating to crimes involving
 3784 | contraband and adulterated drugs.

- 3785 | 10. Part IV of chapter 501, relating to telemarketing.
- 3786 | 11. Chapter 517, relating to sale of securities and
- 3787 | investor protection.
- 3788 | 12. Section 550.235 or s. 550.3551, relating to dogracing
- 3789 | and horseracing.
- 3790 | 13. Chapter 550, relating to jai alai frontons.
- 3791 | 14. Section 551.109, relating to slot machine gaming.
- 3792 | 15. Chapter 552, relating to the manufacture,
- 3793 | distribution, and use of explosives.
- 3794 | 16. Chapter 560, relating to money transmitters, if the
- 3795 | violation is punishable as a felony.
- 3796 | 17. Chapter 562, relating to beverage law enforcement.
- 3797 | 18. Section 624.401, relating to transacting insurance
- 3798 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 3799 | to operating an unauthorized multiple-employer welfare
- 3800 | arrangement, or s. 626.902(1)(b), relating to representing or
- 3801 | aiding an unauthorized insurer.
- 3802 | 19. Section 655.50, relating to reports of currency
- 3803 | transactions, when such violation is punishable as a felony.
- 3804 | 20. Chapter 687, relating to interest and usurious
- 3805 | practices.
- 3806 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 3807 | real estate timeshare plans.
- 3808 | 22. Section 775.13(5)(b), relating to registration of
- 3809 | persons found to have committed any offense for the purpose of
- 3810 | benefiting, promoting, or furthering the interests of a criminal
- 3811 | gang.
- 3812 | 23. Section 777.03, relating to commission of crimes by

3813 accessories after the fact.
 3814 24. Chapter 782, relating to homicide.
 3815 25. Chapter 784, relating to assault and battery.
 3816 26. Chapter 787, relating to kidnapping or human
 3817 trafficking.
 3818 27. Chapter 790, relating to weapons and firearms.
 3819 28. Chapter 794, relating to sexual battery, but only if
 3820 such crime was committed with the intent to benefit, promote, or
 3821 further the interests of a criminal gang, or for the purpose of
 3822 increasing a criminal gang member's own standing or position
 3823 within a criminal gang.
 3824 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
 3825 796.05, or s. 796.07, relating to prostitution and sex
 3826 trafficking.
 3827 30. Chapter 806, relating to arson and criminal mischief.
 3828 31. Chapter 810, relating to burglary and trespass.
 3829 32. Chapter 812, relating to theft, robbery, and related
 3830 crimes.
 3831 33. Chapter 815, relating to computer-related crimes.
 3832 34. Chapter 817, relating to fraudulent practices, false
 3833 pretenses, fraud generally, and credit card crimes.
 3834 35. Chapter 825, relating to abuse, neglect, or
 3835 exploitation of an elderly person or disabled adult.
 3836 36. Section 827.071, relating to commercial sexual
 3837 exploitation of children.
 3838 37. Chapter 831, relating to forgery and counterfeiting.
 3839 38. Chapter 832, relating to issuance of worthless checks
 3840 and drafts.

- 3841 39. Section 836.05, relating to extortion.
- 3842 40. Chapter 837, relating to perjury.
- 3843 41. Chapter 838, relating to bribery and misuse of public
3844 office.
- 3845 42. Chapter 843, relating to obstruction of justice.
- 3846 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
3847 s. 847.07, relating to obscene literature and profanity.
- 3848 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
3849 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
3850 gaming devices, slot machines or any of the provisions within
3851 that chapter.
- 3852 45. Chapter 874, relating to criminal gangs.
- 3853 46. Chapter 893, relating to drug abuse prevention and
3854 control.
- 3855 47. Chapter 896, relating to offenses related to financial
3856 transactions.
- 3857 48. Sections 914.22 and 914.23, relating to tampering with
3858 or harassing a witness, victim, or informant, and retaliation
3859 against a witness, victim, or informant.
- 3860 49. Sections 918.12 and 918.13, relating to tampering with
3861 jurors and evidence.
- 3862 Section 72. Subsection (2) of section 721.111, Florida
3863 Statutes, is amended to read:
- 3864 721.111 Prize and gift promotional offers.—
- 3865 (2) A game promotion, such as a contest of chance, gift
3866 enterprise, or sweepstakes, in which the elements of chance and
3867 prize are present may not be used in connection with the
3868 offering or sale of timeshare interests, except for drawings, as

3869 that term is defined in s. 849.0935(1)(a), in which no more than
 3870 26 prizes are promoted and in which all promoted prizes are
 3871 actually awarded. All such drawings must meet all requirements
 3872 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
 3873 (9) ~~(7)~~.

3874 Section 73. For the purpose of incorporating the amendment
 3875 made by this act to section 895.02, Florida Statutes, in a
 3876 reference thereto, paragraph (a) of subsection (1) of section
 3877 16.56, Florida Statutes, is reenacted to read:

3878 16.56 Office of Statewide Prosecution.—

3879 (1) There is created in the Department of Legal Affairs an
 3880 Office of Statewide Prosecution. The office shall be a separate
 3881 "budget entity" as that term is defined in chapter 216. The
 3882 office may:

3883 (a) Investigate and prosecute the offenses of:

3884 1. Bribery, burglary, criminal usury, extortion, gambling,
 3885 kidnapping, larceny, murder, prostitution, perjury, robbery,
 3886 carjacking, and home-invasion robbery;

3887 2. Any crime involving narcotic or other dangerous drugs;

3888 3. Any violation of the provisions of the Florida RICO
 3889 (Racketeer Influenced and Corrupt Organization) Act, including
 3890 any offense listed in the definition of racketeering activity in
 3891 s. 895.02(1)(a), providing such listed offense is investigated
 3892 in connection with a violation of s. 895.03 and is charged in a
 3893 separate count of an information or indictment containing a
 3894 count charging a violation of s. 895.03, the prosecution of
 3895 which listed offense may continue independently if the
 3896 prosecution of the violation of s. 895.03 is terminated for any

3897 | reason;

3898 | 4. Any violation of the provisions of the Florida Anti-

3899 | Fencing Act;

3900 | 5. Any violation of the provisions of the Florida

3901 | Antitrust Act of 1980, as amended;

3902 | 6. Any crime involving, or resulting in, fraud or deceit

3903 | upon any person;

3904 | 7. Any violation of s. 847.0135, relating to computer

3905 | pornography and child exploitation prevention, or any offense

3906 | related to a violation of s. 847.0135 or any violation of

3907 | chapter 827 where the crime is facilitated by or connected to

3908 | the use of the Internet or any device capable of electronic data

3909 | storage or transmission;

3910 | 8. Any violation of the provisions of chapter 815;

3911 | 9. Any criminal violation of part I of chapter 499;

3912 | 10. Any violation of the provisions of the Florida Motor

3913 | Fuel Tax Relief Act of 2004;

3914 | 11. Any criminal violation of s. 409.920 or s. 409.9201;

3915 | 12. Any crime involving voter registration, voting, or

3916 | candidate or issue petition activities;

3917 | 13. Any criminal violation of the Florida Money Laundering

3918 | Act; or

3919 | 14. Any criminal violation of the Florida Securities and

3920 | Investor Protection Act;

3921 |

3922 | or any attempt, solicitation, or conspiracy to commit any of the

3923 | crimes specifically enumerated above. The office shall have such

3924 | power only when any such offense is occurring, or has occurred,

3925 in two or more judicial circuits as part of a related
 3926 transaction, or when any such offense is connected with an
 3927 organized criminal conspiracy affecting two or more judicial
 3928 circuits. Informations or indictments charging such offenses
 3929 shall contain general allegations stating the judicial circuits
 3930 and counties in which crimes are alleged to have occurred or the
 3931 judicial circuits and counties in which crimes affecting such
 3932 circuits or counties are alleged to have been connected with an
 3933 organized criminal conspiracy.

3934 Section 74. For the purpose of incorporating the amendment
 3935 made by this act to section 849.16, Florida Statutes, in a
 3936 reference thereto, subsection (1) of section 338.234, Florida
 3937 Statutes, is reenacted to read:

3938 338.234 Granting concessions or selling along the turnpike
 3939 system; immunity from taxation.—

3940 (1) The department may enter into contracts or licenses
 3941 with any person for the sale of services or products or business
 3942 opportunities on the turnpike system, or the turnpike enterprise
 3943 may sell services, products, or business opportunities on the
 3944 turnpike system, which benefit the traveling public or provide
 3945 additional revenue to the turnpike system. Services, business
 3946 opportunities, and products authorized to be sold include, but
 3947 are not limited to, motor fuel, vehicle towing, and vehicle
 3948 maintenance services; food with attendant nonalcoholic
 3949 beverages; lodging, meeting rooms, and other business services
 3950 opportunities; advertising and other promotional opportunities,
 3951 which advertising and promotions must be consistent with the
 3952 dignity and integrity of the state; state lottery tickets sold

3953 by authorized retailers; games and amusements that operate by
 3954 the application of skill, not including games of chance as
 3955 defined in s. 849.16 or other illegal gambling games; Florida
 3956 citrus, goods promoting the state, or handmade goods produced
 3957 within the state; and travel information, tickets, reservations,
 3958 or other related services. However, the department, pursuant to
 3959 the grants of authority to the turnpike enterprise under this
 3960 section, shall not exercise the power of eminent domain solely
 3961 for the purpose of acquiring real property in order to provide
 3962 business services or opportunities, such as lodging and meeting-
 3963 room space on the turnpike system.

3964 Section 75. For the purpose of incorporating the amendment
 3965 made by this act to section 895.02, Florida Statutes, in a
 3966 reference thereto, paragraph (g) of subsection (3) of section
 3967 655.50, Florida Statutes, is reenacted to read:

3968 655.50 Florida Control of Money Laundering in Financial
 3969 Institutions Act; reports of transactions involving currency or
 3970 monetary instruments; when required; purpose; definitions;
 3971 penalties.—

3972 (3) As used in this section, the term:

3973 (g) "Specified unlawful activity" means any "racketeering
 3974 activity" as defined in s. 895.02.

3975 Section 76. For the purpose of incorporating the amendment
 3976 made by this act to section 849.16, Florida Statutes, in a
 3977 reference thereto, section 849.19, Florida Statutes, is
 3978 reenacted to read:

3979 849.19 Property rights in confiscated machine.—The right
 3980 of property in and to any machine, apparatus or device as

3981 defined in s. 849.16 and to all money and other things of value
 3982 therein, is declared not to exist in any person, and the same
 3983 shall be forfeited and such money or other things of value shall
 3984 be forfeited to the county in which the seizure was made and
 3985 shall be delivered forthwith to the clerk of the circuit court
 3986 and shall by her or him be placed in the fine and forfeiture
 3987 fund of said county.

3988 Section 77. For the purpose of incorporating the amendment
 3989 made by this act to section 895.02, Florida Statutes, in a
 3990 reference thereto, paragraph (g) of subsection (2) of section
 3991 896.101, Florida Statutes, is reenacted to read:

3992 896.101 Florida Money Laundering Act; definitions;
 3993 penalties; injunctions; seizure warrants; immunity.-

3994 (2) As used in this section, the term:

3995 (g) "Specified unlawful activity" means any "racketeering
 3996 activity" as defined in s. 895.02.

3997 Section 78. For the purpose of incorporating the amendment
 3998 made by this act to section 895.02, Florida Statutes, in a
 3999 reference thereto, Subsection (3) of section 905.34, Florida
 4000 Statutes, is reenacted to read:

4001 905.34 Powers and duties; law applicable.-The jurisdiction
 4002 of a statewide grand jury impaneled under this chapter shall
 4003 extend throughout the state. The subject matter jurisdiction of
 4004 the statewide grand jury shall be limited to the offenses of:

4005 (3) Any violation of the provisions of the Florida RICO
 4006 (Racketeer Influenced and Corrupt Organization) Act, including
 4007 any offense listed in the definition of racketeering activity in
 4008 s. 895.02(1)(a), providing such listed offense is investigated

4009 | in connection with a violation of s. 895.03 and is charged in a
 4010 | separate count of an information or indictment containing a
 4011 | count charging a violation of s. 895.03, the prosecution of
 4012 | which listed offense may continue independently if the
 4013 | prosecution of the violation of s. 895.03 is terminated for any
 4014 | reason;

4015 |
 4016 | or any attempt, solicitation, or conspiracy to commit any
 4017 | violation of the crimes specifically enumerated above, when any
 4018 | such offense is occurring, or has occurred, in two or more
 4019 | judicial circuits as part of a related transaction or when any
 4020 | such offense is connected with an organized criminal conspiracy
 4021 | affecting two or more judicial circuits. The statewide grand
 4022 | jury may return indictments and presentments irrespective of the
 4023 | county or judicial circuit where the offense is committed or
 4024 | triable. If an indictment is returned, it shall be certified and
 4025 | transferred for trial to the county where the offense was
 4026 | committed. The powers and duties of, and law applicable to,
 4027 | county grand juries shall apply to a statewide grand jury except
 4028 | when such powers, duties, and law are inconsistent with the
 4029 | provisions of ss. 905.31-905.40.

4030 | Section 79. Nothing in sections 63 through 76 of this act
 4031 | may be construed to authorize the possession or operation of any
 4032 | machine or device that is prohibited under any other provision
 4033 | of law.

4034 | Section 80. If any provision of this act or its
 4035 | application to any person or circumstance is held invalid, the
 4036 | invalidity does not affect other provisions or applications of

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4037 this act which can be given effect without the invalid provision
4038 or application, and to this end the provisions of this act are
4039 severable.

4040 Section 81. Except as otherwise expressly provided in this
4041 act and except for this section, which shall take effect upon
4042 this act becoming a law, this act shall take effect October 1,
4043 2012.