

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61D-14.009 follows. See Florida Administrative Code for present text.)

61D-14.009 Denial Criteria for Occupational License Application or Renewal.

The division shall deny the application for a slot machine occupational license if a review of the application or the investigation of the applicant demonstrates the applicant:

(1) Failed to provide any document required by Rule 61D-14.005 or 61D-14.006, F.A.C.;

(2) Is not at least 21 years old at the time of presenting the application to the division;

(3) Has failed to pay the license fee or fingerprint fees;

(4) Has unpaid fines from any gaming jurisdiction or holds any gaming license that is currently suspended, holds or held a gaming license that has been suspended on multiple occasions resulting in a total time suspended of one year or more, or held a gaming license that has been revoked or relinquished in lieu of prosecution for a criminal, civil or administrative offense;

(5) Has been convicted of any disqualifying offense pursuant to Section 551.107(6), F.S.;

(6) Is a division employee;

(7) Is a slot machine manufacturer or distributor who holds a direct or indirect ownership or financial interest in a business owned by a slot machine licensee;

(8) Is a business entity with an officer, director, manager, shareholder or other person with the ability to control the actions of the applicant who:

(a) Has been convicted of any disqualifying offense pursuant to Section 551.107(6), F.S.; or

(b) Has unpaid fines from any gaming jurisdiction or holds any gaming license that is currently suspended, holds or held a gaming license that has been suspended on multiple occasions, or that has been revoked or relinquished in lieu of prosecution for a criminal, civil or administrative offense.

(9) Has had its license denied, revoked or suspended by any other gaming jurisdiction;

(10) Has been convicted of a crime involving a lack of good moral character:

(a) For purposes of the Slot Machine Gaming authorized pursuant to Chapter 551, F.S., a person of "good moral character" shall mean a person who:

1. Has the ability to distinguish between right and wrong and the character to observe the difference;

2. Observes the rules of right conduct; and

3. Acts in a manner that indicates and establishes the qualities of trust and confidence that is generally acceptable to the state.

(b) One who commits a crime involving a lack of good moral character, by that act, demonstrates their inability to distinguish between right and wrong, or the character to observe the difference; observe the rules of right conduct; and act in a manner that indicates and establishes the qualities of trust and confidence that are generally acceptable to the state. A crime involving a lack of good moral character includes being convicted, as defined in Section 551.107(6)(c), Florida Statutes, of committing:

1. A criminal act in this state, in any other state, or under the laws of the United States or a foreign country that is punishable by imprisonment or probation for a term exceeding 1 year;

2. A misdemeanor or felony involving theft, robbery, stealing, burglary, breaking and entering, shoplifting, thievery, forgery, larceny, embezzlement, falsification of records, bribery, violaton of probation; or

3. Three or more misdemeanor crimes in this state, in any other state, or under the laws of the United States or a foreign country that are related to the sale or possession of unlawful drugs or controlled substances, prostitution, driving while under the influence of drugs or alcohol, issuing or writing a bad check or injuring another person, in the 10 years preceeding the date of application.

(c) If the applicant has been convicted, as described in Section 551.107(6), F.S., of a crime involving a lack of good morl character the applicant may submit the follwoign evidence to mitigate the effect of the conviction upon a decision to grant licensure:

1. An affidavit explaining the circumstances of past conduct and evidence that the applicant has the

qualities of trust and confidence, the ability to distinguish between right and wrong, and the character to observe the difference;

2. Character references from people who have personal knowledge of the applicant's or licensee's qualities of trust and confidence, the ability to distinguish between right and wrong, and the character to observe the difference. References may not include any person related by blood, marriage or adoption, or anyone employed by the applicant or licensee; and

3. Evidence of good citizenship and improving the quality of life in their community.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a), (b), 551.107(5)(a), (b), (6), (a), (c) FS. History—New 6-25-06.