

1 A bill to be entitled
2 An act relating to gaming; amending s. 285.710, F.S.,
3 relating to compact authorization; providing definitions;
4 providing that specified agreements executed by the
5 Seminole Tribe of Florida and the Governor are void and
6 not in effect; ratifying and approving a specified compact
7 executed by the Tribe and the Governor; directing the
8 Governor to cooperate with the Tribe in seeking approval
9 of the compact from the United States Secretary of the
10 Interior; revising powers and duties of the Governor
11 regarding a compact and amendments to a compact between
12 the Tribe and the state; revising a provision that
13 specifies that the compact is invalid if certain
14 provisions are held invalid by a court or the United
15 States Department of the Interior; revising a provision
16 for the effect on the compact of certain changes to the
17 Indian Gaming Regulatory Act; removing a provision
18 directing the Governor to ensure certain funds received
19 are deposited in a specified fund; removing a provision
20 for expiration of certain authority granted to the
21 Governor; removing a provision that expresses legislative
22 intent; revising duties of the Governor to execute an
23 agreement for application of certain state taxes on Indian
24 lands; providing for distribution of certain moneys paid
25 to the state; providing for the calculation and
26 distribution of a local government share of such moneys;
27 revising provisions for moneys remitted by the Tribe to
28 the state before the effective date of the compact;

29 providing for deposit of the moneys into the General
 30 Revenue Fund; revising provisions that authorize certain
 31 gaming activity; repealing s. 285.711, F.S., relating to a
 32 gaming compact between the Seminole Tribe and the State of
 33 Florida; creating 285.712, F.S.; providing that the
 34 Governor is the designated state officer responsible for
 35 negotiating and executing, on behalf of the state, tribal-
 36 state gaming compacts with certain Indian tribes;
 37 requiring any such compact to be conditioned on
 38 ratification by the Legislature; providing procedures for
 39 ratification of a compact and submission to the United
 40 States Secretary of the Interior for review and approval;
 41 amending s. 26 of chapter 2009-170, Laws of Florida, an
 42 act relating to gaming; revising the effective date for
 43 provisions of that act to remove contingency requirements
 44 applicable to provisions relating to the pari-mutuel
 45 industry; providing a date for those provisions to take
 46 effect; providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Section 285.710, Florida Statutes, is amended
 51 to read:

52 285.710 Compact authorization.—

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

54 (a) "Compact" means the Gaming Compact between the
 55 Seminole Tribe of Florida and the State of Florida, executed on
 56 April , 2010.

57 (b) "Covered games" means the games authorized for the
 58 Seminole Tribe of Florida under the compact.

59 (c) "Documents" means books, records, electronic, magnetic
 60 and computer media documents, and other writings and materials,
 61 copies thereof, and information contained therein.

62 (d) "Indian Gaming Regulatory Act" or "IGRA" means the
 63 Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17,
 64 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq.,
 65 and 18 U.S.C. ss. 1166-1168.

66 (e) "State" means the State of Florida.

67 (f) "State compliance agency" means the Division of Pari-
 68 mutuel Wagering of the Department of Business and Professional
 69 Regulation which is designated as the state agency having the
 70 authority to carry out the state's oversight responsibilities
 71 under the compact.

72 (g) "Tribe" means the Seminole Tribe of Florida or any
 73 affiliate thereof conducting activities pursuant to the compact
 74 under the authority of the Seminole Tribe of Florida ~~have the~~
 75 ~~same meaning as provided in s. 285.711.~~

76 (2)(a) The agreement executed by the Governor and the
 77 Tribe on November 14, 2007, published in the Federal Register on
 78 January 7, 2008, and subsequently invalidated by the Florida
 79 Supreme Court in the case of *Florida House of Representatives,*
 80 *et al. v. The Honorable Charles J. Crist, No. SC07-2154, (2008),*
 81 is not ratified or approved by the Legislature, ~~and~~ is void, ~~and~~
 82 is not in effect.

83 (b) The agreement executed by the Governor and the Tribe
 84 on August 28, 2009, and August 31, 2009, respectively, and

85 transmitted to the President of the Senate and the Speaker of
 86 the House of Representatives, is not ratified or approved by the
 87 Legislature, is void, and is not in effect.

88 (3) The Gaming Compact between the Seminole Tribe of
 89 Florida and the State of Florida, executed by the Governor and
 90 the Tribe on April , 2010, is ratified and approved. The
 91 Governor shall cooperate with the Tribe in seeking approval of
 92 the compact from the United States Secretary of the Interior.

93 ~~(3) Subject to the limitations in s. 285.711, the Governor~~
 94 ~~is hereby authorized and directed to negotiate and execute a~~
 95 ~~compact on behalf of the state with the Tribe pursuant to the~~
 96 ~~federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss.~~
 97 ~~1166-1168, and 25 U.S.C. ss. 2701 et seq., and this act for the~~
 98 ~~purpose of authorizing Class III gaming on Seminole lands within~~
 99 ~~this state. Any such compact shall not be deemed entered into by~~
 100 ~~the state unless and until it is ratified by the Legislature.~~

101 ~~(4) The Governor is authorized to bind the state to any~~
 102 ~~amendment to the compact that is consistent with the terms and~~
 103 ~~standards in this section and s. 285.711, provided that any~~
 104 ~~amendment to provisions relating to covered games, the amount of~~
 105 ~~revenue sharing payments, suspension or reduction of payments,~~
 106 ~~or exclusivity shall require ratification by the Legislature.~~

107 ~~(5) (a) The Governor shall provide a copy of the compact to~~
 108 ~~the President of the Senate and the Speaker of the House of~~
 109 ~~Representatives as soon as it is executed. The compact shall not~~
 110 ~~be submitted to the Department of the Interior by or on behalf~~
 111 ~~of the state or the Tribe until it has been ratified by the~~
 112 ~~Legislature.~~

PCB SICR 10-03

ORIGINAL

2010

113 ~~(b) The Governor shall provide a copy of any amendment to~~
114 ~~the compact to the President of the Senate and the Speaker of~~
115 ~~the House of Representatives as soon as it is executed and~~
116 ~~before or simultaneous with its submission to the Department of~~
117 ~~the Interior, provided that any amendment requiring ratification~~
118 ~~by the Legislature shall not be submitted to the Department of~~
119 ~~the Interior for approval until such ratification has occurred.~~

120 (4)~~(6)~~ The Governor shall preserve all documents, if any,
121 which relate to the intent or interpretation of the compact, and
122 maintain such documents for at least the term of the compact.

123 (5)~~(7)~~ If any provision of the compact relating to covered
124 games, revenue-sharing payments, suspension or reduction in
125 payments, or exclusivity is held by a court of competent
126 jurisdiction or by the Department of the Interior to be invalid,
127 the compact is void.

128 (6)~~(8)~~ If ~~In the event that~~ a subsequent change to the
129 Indian Gaming Regulatory Act, or to an implementing regulation
130 thereof, mandates the retroactive application of such change
131 without the respective consent of the state or Tribe, the
132 compact is void if the change ~~it~~ materially alters any provision
133 ~~the terms and standards~~ in the compact relating to ~~the~~ covered
134 games, revenue-sharing payments, suspension or reduction of
135 payments, or exclusivity.

136 ~~(9) The Governor shall ensure that all revenue sharing~~
137 ~~received pursuant to the compact and agreement executed by the~~
138 ~~Governor and the Tribe on November 14, 2007, is deposited into~~
139 ~~the Education Enhancement Trust Fund provided that, if necessary~~
140 ~~to comply with any covenant established pursuant to s.~~

PCB SICR 10-03

ORIGINAL

2010

141 ~~1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred~~
 142 ~~to the Educational Enhancement Trust Fund shall be first~~
 143 ~~available to pay debt service on lottery bonds issued to fund~~
 144 ~~school construction in the event lottery revenues are~~
 145 ~~insufficient for such purpose or to satisfy debt service reserve~~
 146 ~~requirements established in connection with lottery bonds.~~

147 ~~(10) Except for the authority granted to the Governor in~~
 148 ~~subsections (4) and (13), the authority granted to the Governor~~
 149 ~~by this section and s. 285.711 expires at 11:59 p.m. on August~~
 150 ~~31, 2009.~~

151 ~~(11) It is the intent of the Legislature to review a~~
 152 ~~compact entered into under the provisions of this section within~~
 153 ~~5 years after the compact is approved. It is the intent of the~~
 154 ~~Legislature to consider the authorization of additional Class~~
 155 ~~III games for operation by the Tribe based upon successful~~
 156 ~~implementation of the compact and the history of compliance with~~
 157 ~~the compact.~~

158 ~~(7)(12)~~ The Division of Pari-mutuel Wagering of the
 159 Department of Business and Professional Regulation is designated
 160 as the state compliance agency having the authority to carry out
 161 the state's oversight responsibilities under the ~~a~~ compact
 162 authorized by this section ~~act~~.

163 ~~(8)(13)~~(a) The Governor is authorized ~~and directed~~ to
 164 execute an agreement on behalf of the state ~~of Florida~~ with the
 165 Indian tribes in this state, acting on a government-to-
 166 government basis, to develop and implement a fair and workable
 167 arrangement to apply state taxes on persons and transactions on
 168 Indian lands. Such agreements shall address the imposition of

169 specific taxes, including sales taxes and exemptions from those
 170 taxes.

171 (b) The agreement shall address the Tribe's collection and
 172 remittance of sales taxes imposed by chapter 212 to the
 173 Department of Revenue. The sales taxes collected and remitted by
 174 the Tribe shall be based on all sales to non-tribal members,
 175 except those non-tribal members who hold valid exemption
 176 certificates issued by the Department of Revenue, exempting the
 177 sales from taxes imposed by chapter 212.

178 (c) The agreement shall require the Tribe to register with
 179 the Department of Revenue and remit to the Department of Revenue
 180 the taxes collected.

181 (d) The agreement shall require the Tribe to retain for at
 182 least a period of 5 years records of all sales to non-tribal
 183 members which are subject to taxation under chapter 212. The
 184 agreement shall permit the Department of Revenue to conduct an
 185 audit not more often than annually in order to verify such
 186 collections. The agreement shall require the Tribe to provide
 187 reasonable access during normal operating hours to records of
 188 transactions subject to the taxes collected.

189 (e) The agreement shall provide a procedure for the
 190 resolution of any disputes about the amounts collected pursuant
 191 to the agreement. For purposes of the agreement for the
 192 collection and remittance of sales taxes, the agreement must
 193 provide that the Tribe agrees to waive its immunity, except that
 194 the state may seek monetary damages limited to the amount of
 195 taxes owed.

196 (f) An agreement executed by the Governor pursuant to the

PCB SICR 10-03

ORIGINAL

2010

197 authority granted in this section shall not take effect unless
 198 ratified by the Legislature.

199 (9) The moneys paid by the Tribe to the state for the
 200 benefit of exclusivity under the compact ratified by this
 201 section shall be deposited into the General Revenue Fund, except
 202 that 3 percent of the amount paid by the Tribe to the state
 203 shall be designated as the local government share and shall be
 204 distributed as provided in subsection (10).

205 (10) The calculations necessary to determine the local
 206 government share distributions shall be made by the state
 207 compliance agency. The local government share shall be
 208 distributed as follows:

209 (a) Glades County shall receive 100 percent of the local
 210 government share derived from the Seminole Indian Casino-
 211 Brighton.

212 (b) Broward County shall receive 7.5 percent, the City of
 213 Coconut Creek shall receive 65 percent, the City of Coral
 214 Springs shall receive 15 percent, the City of Margate shall
 215 receive 10 percent, and the City of Parkland shall receive 2.5
 216 percent of the local government share derived from the Seminole
 217 Indian Casino-Coconut Creek.

218 (c) Broward County shall receive 15 percent, the City of
 219 Hollywood shall receive 65 percent, the Town of Davie shall
 220 receive 10 percent, and the City of Dania Beach shall receive 10
 221 percent of the local government share derived from the Seminole
 222 Indian Casino-Hollywood.

223 (d) Collier County shall receive 100 percent of the local
 224 government share derived from the Seminole Indian Casino-

PCB SICR 10-03

ORIGINAL

2010

225 Immokalee.

226 (e) Hendry County shall receive 100 percent of the local
 227 government share derived from the Seminole Indian Casino-Big
 228 Cypress.

229 (f) Broward County shall receive 15 percent, the City of
 230 Hollywood shall receive 65 percent, the Town of Davie shall
 231 receive 10 percent, and the City of Dania Beach shall receive 10
 232 percent of the local government share derived from the Seminole
 233 Hard Rock Hotel & Casino-Hollywood.

234 (g) Hillsborough County shall receive 100 percent of the
 235 local government share derived from the Seminole Hard Rock Hotel
 236 & Casino-Tampa.

237 ~~(11)-(14)~~ Any moneys remitted by the Tribe before the
 238 effective date of the a compact shall be deposited into the
 239 General Revenue Fund and are entered into by the state and the
 240 Tribe pursuant to this act shall be deemed forfeited by the
 241 Tribe and released to the state without further obligation or
 242 encumbrance. The Legislature further finds that acceptance and
 243 appropriation of such funds does not legitimize, validate, or
 244 otherwise ratify any previously proposed compact or the
 245 operation of class III games by the Tribe for any period prior
 246 to the effective date of the a valid compact pursuant to this
 247 act.

248 ~~(12)-(15)~~ For the purpose of satisfying the requirement in
 249 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
 250 under an Indian gaming compact must be permitted in the state
 251 for any purpose by any person, organization, or entity, the
 252 following class III games or other games specified in this

PCB SICR 10-03

ORIGINAL

2010

253 section are hereby authorized to be conducted by the Tribe
 254 pursuant to the ~~a compact that is substantially in the form~~
 255 ~~provided in s. 285.711:~~

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

257 ~~(b) Games of poker without betting limits if such games~~
 258 ~~are authorized in this state to any person for any purpose.~~

259 (b)(e) Banking or banked card games, including baccarat,
 260 chemin de fer, and blackjack or 21 at the tribal facilities in
 261 Broward County, Collier County, and Hillsborough County.

262 (c) Raffles and drawings.

263 ~~(13)(16)~~ Notwithstanding any other provision of state law,
 264 it is not a crime for a person to participate in the games
 265 specified in subsection (12) ~~(15)~~ at a tribal facility operating
 266 under the ~~a compact entered into pursuant to this section~~ ~~act.~~

267 Section 2. Section 285.711, Florida Statutes, is repealed.

268 Section 3. Section 285.712, Florida Statutes, is created
 269 to read:

270 285.712 Tribal-state gaming compacts.—

271 (1) The Governor is the designated state officer
 272 responsible for negotiating and executing, on behalf of the
 273 state, tribal-state gaming compacts with federally recognized
 274 Indian tribes located within the state pursuant to the federal
 275 Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168
 276 and 25 U.S.C. ss. 2701 et seq., for the purpose of authorizing
 277 class III gaming, as defined in that act, on Indian lands within
 278 the state.

279 (2) Any tribal-state compact relating to gaming activities
 280 which is entered into by an Indian tribe in this state and the

281 Governor pursuant to subsection (1) must be conditioned upon
 282 ratification by the Legislature.

283 (3) Following completion of negotiations and execution of
 284 a compact, the Governor shall submit a copy of the executed
 285 tribal-state compact to the President of the Senate and the
 286 Speaker of the House of Representatives as soon as it is
 287 executed. To be effective, the compact must be ratified by both
 288 houses of the Legislature by a majority vote of the members
 289 present. The Governor shall file the executed compact with the
 290 Secretary of State pursuant to s. 15.01.

291 (4) Upon receipt of an act ratifying a tribal-state
 292 compact, the Secretary of State shall forward a copy of the
 293 executed compact and the ratifying act to the United States
 294 Secretary of the Interior for his or her review and approval, in
 295 accordance with 25 U.S.C. s. 2710(8)(d).

296 Section 4. Section 26 of chapter 2009-170, Laws of
 297 Florida, is amended to read:

298 Section 26. Sections 1 through 3 of this act and this
 299 section shall take effect upon becoming law. ~~Sections 4 through~~
 300 ~~25 shall take effect only if the Governor and an authorized~~
 301 ~~representative of the Seminole Tribe of Florida execute an~~
 302 ~~Indian Gaming Compact pursuant to the Indian Gaming Regulatory~~
 303 ~~Act of 1988 and requirements of this act, only if the compact is~~
 304 ~~ratified by the Legislature, and only if the compact is approved~~
 305 ~~or deemed approved, and not voided pursuant to the terms of this~~
 306 ~~act, by the Department of the Interior, and such sections take~~
 307 ~~effect on the date that the approved compact is published in the~~
 308 ~~Federal Register.~~

PCB SICR 10-03

ORIGINAL

2010

309 | Section 5. Sections 4 through 25 of chapter 2009-170, Laws
310 | of Florida, shall take effect upon this act becoming a law.

311 | Section 6. This act shall take effect upon becoming a law.