



Commerce Committee

Thursday, March 30, 2017
12:15 PM
Webster Hall (212 Knott)

MEETING PACKET

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Commerce Committee

Start Date and Time: Thursday, March 30, 2017 12:15 pm
End Date and Time: Thursday, March 30, 2017 01:25 pm
Location: Webster Hall (212 Knott)
Duration: 1.17 hrs

Consideration of the following bill(s):

HB 7037 Gaming by Tourism & Gaming Control Subcommittee, La Rosa

Pursuant to rule 7.11, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Wednesday, March 29, 2017.

By request of Chair Diaz, J., all Commerce Committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, March 29, 2017.

NOTICE FINALIZED on 03/28/2017 4:23PM by McCloskey.Michele

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7037 PCB TGC 17-01 Gaming
SPONSOR(S): Tourism & Gaming Control Subcommittee, La Rosa
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Tourism & Gaming Control Subcommittee	10 Y, 5 N	Sarsfield	Barry
1) Ways & Means Committee	11 Y, 7 N	Aldridge	Langston
2) Commerce Committee		Sarsfield <i>AS</i>	Hamon <i>K.W.H.</i>

SUMMARY ANALYSIS

The bill ratifies and approves a 2017 Gaming Compact (2017 Compact) between the Seminole Tribe of Florida (Tribe) and the State of Florida (State), and authorizes the Governor to execute it, subject to federal approval. Under its terms, the 2017 Compact extends for 20 years both the Tribe's current exclusive authorization to conduct banked games statewide and the Tribe's current exclusive authorization to conduct slot machine gaming outside of Miami-Dade and Broward Counties. In exchange, the Tribe will make revenue sharing payments totaling at least \$3 billion to the State during the first seven years of the 2017 Compact. The Tribe may stop or reduce revenue sharing pursuant to the 2017 Compact if specified new gaming is authorized.

The 2017 Compact reincorporates many of the same provisions of the Gaming Compact between the Tribe and the State executed on April 7, 2010 (2010 Compact), as well as providing for the following:

- Prospective ratification and approval by the Legislature;
- Fixed 20-year term with no scheduled changes, extensions or expirations during the term;
- Tribe receives exclusive authorization to conduct banked games at 5 facilities for full 20-year term;
- Tribe maintains exclusive authorization to conduct slot machine gaming outside Miami-Dade and Broward Counties for full 20-year term;
- Maintains current level of monthly revenue sharing until the 2017 Compact becomes effective;
- Once effective, increases revenue sharing, including a guaranteed \$3 billion in the first seven years;
- The State's portion of revenue share, after a 3 percent distribution to local governments, must be allocated to specified education programs to maintain the Tribe's revenue sharing obligations;
- Any new type or new location of class III games not in existence as of February 1, 2017, either reduces or ceases revenue sharing payments;
- Any reductions in the number of live performances at pari-mutuel facilities below current statutory requirements impacts revenue sharing payments;
- Improves the process for identifying, resolving and/or curing breaches of the Tribe's exclusivity.

In addition, the bill amends various substantive provisions in the chapters of the Florida Statutes governing pari-mutuel wagering, cardroom gaming, slot machine gaming, and general gambling. The bill:

- Clarifies that slot machine gaming is not authorized outside of Miami-Dade and Broward Counties;
- Clarifies that only traditional, pari-mutuel-style poker games are authorized in cardrooms;
- Provides for the mandatory revocation of dormant and delinquent permits, under certain circumstances;
- Provides for the discretionary revocation of certain permits, under certain circumstances;
- Prohibits the issuance of new permits, and prohibits the conversion of permits;
- Prohibits the transfer or relocation of pari-mutuel permits or licenses.

The bill is expected to have a positive fiscal impact on state and local government funds; however, the Revenue Estimating Conference has not yet reviewed the bill.

The bill provides for an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

General Overview of Gaming in Florida

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ Certain exceptions have been authorized, with restrictions on permitted locations, operators, and prizes, including penny-ante games,⁵ bingo,⁶ cardrooms,⁷ charitable drawings,⁸ game promotions (sweepstakes),⁹ and bowling tournaments.¹⁰

Pari-Mutuel Wagering

For many decades, pari-mutuel wagering has been authorized in Florida for jai alai, greyhound racing, and three specific forms of horseracing (thoroughbred horse racing, harness horse racing, and quarter horse racing). These activities are overseen and regulated by the Division of Pari-Mutuel Wagering (Division) within the Department of Business and Professional Regulation (DBPR). The Division's purpose is to ensure the health, safety, and welfare of the public, racing animals, and licensees through efficient and fair regulation of the pari-mutuel industry in Florida.¹¹

Pari-mutuel is defined as "a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes."¹²

Chapter 550, F.S., provides specific permitting and licensing requirements, taxation provisions, and regulations for the conduct of the pari-mutuel industry. Pari-mutuel wagering activities are limited to operators who have received a permit from the Division, which is then subject to ratification by county referendum.¹³ Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.¹⁴ Certain permitholders are also authorized to operate a cardroom¹⁵ and slot machines¹⁶ at their facility, as discussed further below.

¹ s. 849.08, F.S.

² s. 849.01, F.S.

³ s. 849.09, F.S.

⁴ s. 849.16, F.S.

⁵ s. 849.085, F.S.

⁶ s. 849.0931, F.S.

⁷ s. 849.086, F.S.

⁸ s. 849.0935, F.S.

⁹ s. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁰ s. 546.10, F.S.

¹¹ From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation. In 1993, the Department of Business Regulation and the Department of Professional Regulation were merged to become DBPR.

¹² s. 550.002(22), F.S.

¹³ s. 550.0651, F.S.

¹⁴ s. 550.0115, F.S.

¹⁵ s. 849.086, F.S.

¹⁶ s. 551.104, F.S.

Currently in Florida there are 50 pari-mutuel wagering permits, and 5 non-wagering permits.¹⁷ There are 38 pari-mutuel permitholders licensed to operate during Fiscal Year 2016-2017, in addition to one thoroughbred sales facility that holds a limited license to conduct intertrack wagering. Several locations have multiple permits that operate at a single facility. Chapter 550, F.S., specifies circumstances under which certain pari-mutuel permits may be revoked, relocated, or converted.

The following types of permits are licensed to operate during Fiscal Year 2016-2017:

- 19 Greyhound permits;
- 5 Thoroughbred permits;
- 1 Harness permit;
- 5 Quarter Horse permits; and
- 8 Jai-Alai permits.

Patrons at a racetrack may also wager on races hosted at other tracks, which is called intertrack (when both tracks are in Florida) or simulcast (when one track is out of state) wagering. In-state 'host tracks' conduct live or receive broadcasts of simulcast races that are then broadcast to 'guest tracks,' which accept wagers on behalf of the host.¹⁸ To offer intertrack or simulcast wagering, permitholders must conduct a full schedule of live racing and meet other requirements.¹⁹

Lotteries

Section 7 of Article X of the Florida Constitution provides, "Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state."²⁰

To allow activities that would otherwise be illegal lotteries, the Legislature has carved out several narrow exceptions to the lottery prohibition. Statutory exceptions are provided for charitable bingo,²¹ charitable drawings,²² and game promotions.²³ Charities use drawings or raffles as a fundraising tool. Organizations suggest a donation, collect entries, and randomly select an entry to win a prize. Under s. 849.0935, F.S., qualified organizations may conduct drawings by chance, provided the organization has complied with all applicable provisions of Chapter 496, F.S. Game promotions, often called sweepstakes, are advertising tools by which businesses promote their goods or services. As they contain the three elements of a lottery: consideration, chance, and prize, they are generally prohibited by Florida law unless they meet a statutory exception.²⁴

In 1986, Florida voters approved an amendment to the Florida Constitution to allow the state to operate a lottery. The Florida Lottery—known formally as the Florida Education Lotteries—benefits education by funding the State Education Lotteries Trust Fund. Section 15 of Article X of the Florida Constitution provides as follows:

Lotteries may be operated by the state.... On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State

¹⁷ See <http://www.myfloridalicense.com/dbpr/pmw/documents/CurrentPermitholdersList.pdf> for a list of current permitholders.

¹⁸ See s. 550.002, F.S., for definitions of "intertrack wagering," "simulcasting," and "guest track."

¹⁹ See s. 550.615, F.S.

²⁰ The pari-mutuel pools that were authorized by law on the effective date of the Florida Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The new state constitution was ratified by the electorate on November 5, 1968.

²¹ s. 849.0931, F.S.

²² s. 849.0935, F.S.

²³ s. 849.094, F.S.

²⁴ *Little River Theatre Corp v. State*, 185 So. 854, 868 (Fla. 1939).

Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.²⁵

Cardrooms

Cardrooms were authorized at pari-mutuel facilities in 1996, subject to local approval.²⁶ Cardrooms must be approved by an ordinance of the county commission where the pari-mutuel facility is located. Cardrooms can only be offered at a location where the permitholder is authorized to conduct pari-mutuel activities. To be eligible for a cardroom license, a permitholder must conduct at least 90% of the performances conducted the year they applied for the initial cardroom license or the prior year, if the permitholder ran a full schedule of live performances.²⁷

Cardrooms may operate 18 hours per day on Monday through Friday and for 24 hours per day on Saturday and Sunday. Currently, 24 pari-mutuel facilities are operating cardrooms. Each cardroom operator must pay a tax of 10 percent of the cardroom operation's monthly gross receipts.

A pari-mutuel facility that operates a cardroom may only offer authorized games within the cardroom. An "authorized game" is defined as "a game or series of games of poker or dominos which are played in a nonbanking manner."²⁸ The licensed cardrooms are prohibited from offering "banked" card games.

In recent years, several cardrooms in the state have begun operating "designated player games." Designated player games (also known as player-banked games) are card games in which a designated player occupies the position of the dealer. Rather than competing against each other, players compete solely against the designated player to determine the game's winner. Instead of competing for a common pot of winnings, players wager against the designated player, who collects from losers and pays winners from their own bank.

In July 2014, the Division adopted rules establishing requirements for designated player games. Under the resulting rule, Chapter 61D-11.002(5), F.A.C. (DP Rule), cardroom operators are required to determine house rules for the operation of designated player games.²⁹ The house rules must establish uniform requirements to be a designated player, ensure that the opportunity to be the dealer rotates around the table, and not require the designated player to cover all wagers.³⁰

In October 2015, the Division proposed rule changes to effectively ban designated player games and delete the requirements for operation of designated player games.³¹ After a rule challenge was filed against the proposed rule changes, the Division issued a Notice of Change revising its proposed rules by removing the prohibition against designated player games. However, the revised proposed rule changes maintained the repeal of established criteria for designated player games.³² The revised proposed rule changes were challenged at the Division of Administrative Hearings (DOAH). After a hearing at DOAH, an Administrative Law Judge (ALJ) ruled that the Division lacked authority to repeal the DP Rule.³³ The DOAH ruling is currently under appeal.³⁴

²⁵ The Department of the Lottery is authorized by s. 15, Art. X, Florida Constitution. Chapter 24, F.S., was enacted by ch. 87-65, L.O.F., to establish the state lottery. Section 24.102, F.S., creates the Department of the Lottery and states the Legislature's intent that it be self-supporting and revenue-producing and function as an entrepreneurial business enterprise.

²⁶ s. 20, Ch. 96-364, Laws of Fla.

²⁷ s. 849.086(5)(b), F.S.

²⁸ s. 849.086, F.S.

²⁹ Rule 61D-11.002(5), F.A.C.

³⁰ *Id.*

³¹ Proposed Rule 61D-11.002, F.A.C. (Published in F.A.R. Oct. 19, 2015).

³² Proposed Rule 61D-11.002, F.A.C. (Notice of Change. Jan. 15, 2016).

³³ *Tampa Bay Downs, Inc. v. Dep't of Bus. & Prof. Reg.*, Case No. 15-7022RP (Fla. DOAH Aug. 26, 2016).

³⁴ *Department of Business and Professional etc. vs. Dania Entertainment Center, LLC; et al.*, Case Number 1D16-4275, Fla. 1st DCA

In January 2016, the Division issued administrative complaints against multiple pari-mutuel facilities, charging that the facilities were "operating a banking game or a game not specifically authorized" by state law.³⁵ After an evidentiary hearing at DOAH, an ALJ ruled that the designated player games, as conducted at a certain cardroom, violated the statutory prohibition of banking card games.³⁶ The DOAH ruling is currently under appeal.³⁷

Slot Machine Gaming

After a brief period of legalization in the 1930s, slot machines were again prohibited in Florida in 1937.³⁸ Slot machines remained illegal until 2004, when voters approved a state constitutional amendment authorizing slot machines at specified pari-mutuel facilities in two counties, subject to local approval.

Section 23 of Article X of the Florida Constitution (adopted by the electors in 2004) authorizes slot machines in Miami-Dade and Broward Counties, as follows:

After voter approval of this constitutional amendment, the governing bodies of Miami-Dade and Broward Counties each may hold a county-wide referendum in their respective counties on whether to authorize slot machines within existing, licensed pari-mutuel facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during each of the last two calendar years before the effective date of this amendment. If the voters of such county approve the referendum question by majority vote, slot machines shall be authorized in such pari-mutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

Pursuant to this constitutional authorization and the implementing statutes, slot machines are now authorized at eight pari-mutuel facilities in Broward and Miami-Dade Counties and are regulated under ch. 551, F.S.³⁹

Under s. 551.102(4), F.S., slot machine-eligible facilities are defined as follows:

- Any licensed pari-mutuel facility located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county;
- Any licensed pari-mutuel facility located within a county as defined in s. 125.011, F.S., provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter; or
- Any licensed pari-mutuel facility in any other county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization after the effective date of this section in the respective county, provided such facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter.

³⁵ See Dara Kam, *State targets pari-mutuels over card games*, TAMPA BAY BUSINESS J. (Jan. 27, 2016, 2:47 PM), <http://www.bizjournals.com/tampabay/news/2016/01/27/state-targets-pari-mutuels-over-card-games.html>; see also Administrative Complaints filed by the Division (Jan. 25, 2016) (on file with the Commerce Committee).

³⁶ *Dep't of Bus. & Prof. Reg. v. Jacksonville Kennel Club, Inc.*, Case No. 16-1009 (Fla. DOAH Aug. 1, 2016).

³⁷ *Jacksonville Kennel Club, Inc. vs. Department of Business and Professional etc.*, Case Number 1D16-5265, Fla 1st DCA

³⁸ s. 849.15, F.S., originally enacted by s. 1, ch. 18143, L.O.F. (1937).

³⁹ See Article X, § 23, FLA CONST.; ch. 2010-29, L.O.F. and chapter 551, F.S.

Slot machine licensees are required to pay a license fee of \$2 million per license year.⁴⁰ In addition to the license fees, the tax rate on slot machine revenues at each facility is 35 percent.⁴¹ In order to remain eligible for slot machines, permitholders must conduct a full schedule of live racing or games, among other requirements.⁴²

Seven pari-mutuel facilities obtained eligibility for slot machines through constitutional approval—the first clause above. An eighth pari-mutuel facility, Hialeah Park, was ineligible under the first clause because it had not operated live racing or games in 2002 and 2003. However, it obtained eligibility in 2010 with the enactment of Chapter 2009-170, L.O.F., which added the second and third clauses above to s. 551.102(4), F.S. Notably, the Gaming Compact between the Seminole Tribe of Florida and the State, executed on April 7, 2010 (2010 Compact), was ratified by the same legislation that effectuated the second and third clauses.

To date, no facilities have obtained eligibility under the third clause. However, several pari-mutuels have relied upon that clause in claiming entitlement to a slot machine license, which is currently the subject of a pending case before the Florida Supreme Court.⁴³ Certain permitholders seeking to add slot machines have argued that the phrase "after the effective date of this section" in the third clause applies to "a countywide referendum held." Based on this reading of the statute, many permitholders contend that any county can authorize slot machines under the statute above by virtue of its general authority to hold referenda. To date, Duval, St. Lucie, Brevard, Gadsden, Lee, Palm Beach, Hamilton and Washington counties have each held a countywide referendum. In each case, voters indicated their support for slot machines at the pari-mutuel facility in that county.

As the Division began receiving applications for slot machine licenses from pari-mutuel permitholders in these counties, DBPR requested a formal written opinion from Florida's Attorney General regarding whether the Division was authorized by statute to issue slot machine licenses to facilities outside of Miami-Dade and Broward Counties.

In January 2012, the Attorney General issued an Attorney General Opinion (AGO). The AGO stated that DBPR was not authorized to issue slot-machine licenses outside of Miami-Dade and Broward Counties, concluding that the phrase "after the effective date of this section" modified the phrase "a statutory or constitutional authorization" and not "countywide referendum."⁴⁴ The AGO determined that counties could not rely on their general authority to hold referenda but instead must have specific statutory authorization enacted after July 1, 2010, to hold referenda on the question of slot machines. Relying on the AGO, the Division has denied all new slot machine license applications since 2012.⁴⁵ Certain permitholders have disputed this interpretation. Cases are currently pending in the Florida Supreme Court and the 4th District Court of Appeal on this issue.⁴⁶

Live Performance Requirements

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.⁴⁷ Currently the State requires that:

⁴⁰ s. 551.106(1)(a), F.S.

⁴¹ s. 551.106(2)(a), F.S.

⁴² s. 551.104(1)(c), F.S.

⁴³ The first district court of appeal certified a question to the Florida Supreme Court, which has accepted jurisdiction. *See Gretna Racing, LLC v. Dep't of Bus. & Prof. Reg.*, 178 So. 3d 15 (Fla. Dist. Ct. App. 2015) review granted sub nom. *Gretna Racing, LLC v. Fla. Dep't of Bus. & Prof. Reg.*, No. SC15-1929, 2015 WL 8212827 (Fla. Dec. 1, 2015).

⁴⁴ 2012-01 Fla. Op. Att'y Gen. (2012).

⁴⁵ *See* Mary Ellen Klas, *Attorney General Opinion Puts Reins on Slots at Gretna Barrel Racing Track*, Miami Herald (Jan. 12, 2012), <http://www.miamiherald.typepad.com/nakedpolitics/2012/01/attorney-general-opinion-puts-reins-on-gretna-barrel-racing-.html>.

⁴⁶ *See supra* note 34.

⁴⁷ *See* s. 550.1625(1), F.S., (legalized pari-mutuel betting at dog tracks "is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state").

- To offer intertrack or simulcast wagering, permitholders must conduct a full schedule of live racing as defined in ch. 550 and meet other requirements.⁴⁸
- To remain eligible for a cardroom license, permitholders must conduct at least 90% of the performances conducted the year they applied for the initial cardroom license or the prior year, if the permitholder ran a full schedule of live performances.⁴⁹
- To remain eligible for a slot machine license, permitholders must conduct a full schedule of live racing as defined in ch. 550.⁵⁰

Indian Gaming

Background on Indian Gaming Law

Gambling on Indian lands is subject to federal law, with limited state involvement. The Indian Gaming and Regulatory Act (IGRA), codified at 25 U.S.C. §§ 2701-2721, was enacted in 1988 in response to the United States Supreme Court decision in *California v. Cabazon Band of Mission Indians*.⁵¹ IGRA provides for “a system for joint regulation by tribes and the Federal Government of class II gaming on Indian lands and a system for compacts between tribes and States for regulation of class III gaming.”⁵² In so doing, IGRA seeks to balance the competing interests of two sovereigns: the interests of the tribe in engaging in economic activities for the benefit of its members, and the interest of the state in either prohibiting or regulating gaming activities within its borders.⁵³

IGRA separates gaming activities into three categories:

- Class I games are “social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.”⁵⁴ Class I games are within the exclusive jurisdiction of the Indian tribes.⁵⁵
- Class II games are bingo and card games that are explicitly authorized or are not explicitly prohibited by the laws of the State.⁵⁶ The tribes may offer Class II card games “only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.” Class II gaming does not include “any banking card games, including baccarat, chemin de fer, or blackjack (21), or electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.”⁵⁷ Class II games are also within the jurisdiction of the Indian tribes, but are also subject to the provisions of IGRA.⁵⁸
- Class III games are defined as any games that are not Class I or Class II. Class III games include slot machine and banked card games such as blackjack, baccarat and chemin de fir.⁵⁹

A tribe can qualify to offer Class III games in the following ways:

- If the state authorizes Class III games for any purpose to any person, organization, or entity, the tribe must:

⁴⁸ See s. 550.615, F.S.

⁴⁹ s. 849.086(5)(b), F.S.

⁵⁰ s. 551.104(4)(c), F.S.

⁵¹ 480 U.S. 202 (1987).

⁵² United States Senate Report No. 100-446, Aug. 3, 1988.

⁵³ *Id.*

⁵⁴ 25 U.S.C. 2703(6).

⁵⁵ 25 U.S.C. 2710(a)(1).

⁵⁶ 25 U.S.C. 2703(7)(A).

⁵⁷ 25 U.S.C. 2703(7)(B).

⁵⁸ 25 U.S.C. 2710(a)(2) and (b).

⁵⁹ 25 U.S.C. 2703; 25 C.F.R. § 502.4.

- Authorize the games by an ordinance or resolution adopted by the governing body of the Indian tribe, approved by the Chairman of the National Indian Gaming Commission, and in compliance with IGRA; and
 - Conduct the games in conformance with a Tribal-State compact entered into between the tribe and the State.⁶⁰
- If the state does NOT authorize Class III gaming for any purpose by any person, organization, or entity, the tribe must request negotiations for a tribal-state compact governing gaming activities on tribal lands. Upon receiving such a request, the state may be obligated to negotiate with the Indian tribe in good faith.⁶¹ Under IGRA, a tribe is not entitled to a compact.

When the negotiations fail to produce a compact, a tribe may file suit against the state in federal court and seek a determination of whether the state negotiated in good faith. If the court finds the state negotiated in good faith, the tribe's proposal fails. On a finding of lack of good faith, however, the court may order negotiation, then mediation. If the state ultimately rejects a court-appointed mediator's proposal, the Secretary "shall prescribe, in consultation with the Indian tribe, procedures... under which class III gaming may be conducted."⁶²

Generally, in accordance with IGRA, a compact may include the following provisions:

- The application of the criminal and civil laws and regulations of the Indian tribe or the State that are directly related to, and necessary for, the licensing and regulation of gaming;
- The allocation of criminal and civil jurisdiction between the State and the Indian tribe necessary for the enforcement of laws and regulations;
- An assessment in an amount necessary to defray the costs of regulation;
- Revenue sharing by the Indian tribe for permitted activities;
- Remedies for breach of contract;
- Standards for the operation of gaming and gaming facilities, including licensing; and
- Any other subjects that are directly related to the operation of gaming activities.⁶³

Any compact that is entered into by a tribe and a state will take effect when approval by the Secretary of the Interior is published in the Federal Register.⁶⁴ Upon receipt of a proposed compact, the Secretary has 45 days to approve or disapprove the compact.⁶⁵ A compact will be considered approved if the Secretary fails to act within the 45-day period. A compact that has not been validly "entered into" by a state and a tribe (e.g., execution of a compact by a state officer who lacks the authority to bind the state) cannot be put "into effect," even if the Secretary of the Interior publishes the compact in the Federal Register.⁶⁶

There is no explicit provision in IGRA that authorizes or requires revenue sharing between a tribe and a state or any of its political subdivisions. IGRA specifically states:

[N]othing in this section shall be interpreted as conferring upon a State or any of its political subdivisions authority to impose any tax, fee, charge, or other assessment upon an Indian tribe or upon any other person or entity authorized by an Indian tribe to engage

⁶⁰ 25 U.S.C. 2710(d)(1).

⁶¹ 25 U.S.C. 2710 (d)(3)(A).

⁶² 25 U.S.C. 2710(d)(7). This option is addressed in *Seminole Tribe of Florida v. Florida*, 517 U.S. 44 (1996), which brought into question whether a tribe has the ability to enforce the provisions of IGRA against a state. The Department of Interior adopted rules to provide a remedy for the tribes. The validity of the rules were also brought into question in *Texas v. United States*, 497 F.3d 491 (5th Cir. 2007).

⁶³ 25 U.S.C. 2710 (d)(3)(C).

⁶⁴ 25 U.S.C. 2710(d)(3)(B).

⁶⁵ 25 U.S.C. 2710(d)(8)(C).

⁶⁶ See *Pueblo of Santa Ana v. Kelly*, 104 F.3d 1546 (10th Cir. 1997).

in a class III activity. No State may refuse to enter into the negotiations described in paragraph (3) (A) based upon the lack of authority in such State, or its political subdivisions, to impose such a tax, fee, charge, or other assessment.⁶⁷

Notwithstanding this restriction, revenue sharing has been deemed to be permissible so long as the tribe receives a valuable economic benefit in return. Typically, such benefit is in the form of substantial exclusivity in game offerings, geographic monopoly and/or a right to conduct such offerings on more favorable terms than non-Indians.⁶⁸

The 2010 Compact

The Seminole Tribe of Florida and the Governor of Florida executed the 2010 Compact on April 7, 2010, which was ratified through Chapter 285, F.S. The 2010 Compact took effect when published in the Federal Register on July 6, 2010 and has a term of 20 years, expiring July 31, 2030, unless renewed.

The 2010 Compact provides for revenue sharing from the Tribe to the State of Florida. For the exclusive authority to offer banked card games on tribal lands at five locations for five years and to offer slot machine gaming outside Miami-Dade and Broward Counties at seven locations, the Tribe pays the State a share of “net win.” The 2010 Compact required the Tribe to share revenue with the State in the amount of \$1 billion over the first five years.

Section 285.710(1)(f), F.S., designates the Division as the “state compliance agency” responsible for carrying out the state’s oversight responsibilities under the 2010 Compact.

The State of Florida retains the right to authorize or prohibit gaming in the state. However, the 2010 Compact provides consequences for the expansion of gaming:

- If new forms of Class III gaming and casino-style gaming are authorized for the eight licensed pari-mutuel facilities located in Miami-Dade and Broward Counties (which may not relocate) and the net win from the Tribe’s Broward facilities drops for the year after the new gaming begins, then the Tribe may reduce the payments from its Broward facilities by 50 percent of the amount of the reduction in net win.
- If new forms of Class III gaming and other casino-style gaming are authorized for other locations in Miami-Dade and Broward Counties, then the Tribe may exclude the net win from their Broward facilities from their net win calculations when the new games begin to be played.⁶⁹

Revenue sharing payments cease if:

- The state authorizes new forms of Class III gaming or other casino-style gaming after February 1, 2010, or authorizes Class III gaming or other casino-style gaming at any location outside of Miami-Dade and Broward counties that was not authorized for such games before February 1, 2010; and
- The new gaming begins to be offered for private or public use.

Compact Litigation

In 2015, when the Tribe’s authorization to conduct banked card games was scheduled to expire, the Tribe and DBPR filed lawsuits against each other. In its lawsuit, the Tribe asserted that the State had allowed cardrooms at pari-mutuel facilities to conduct designated player games and, as a result, the

⁶⁷ 25 U.S.C. 2710(d)(4).

⁶⁸ See generally *In re Indian Gaming Related Cases*, 331 F.3d 1094 (9th Cir. 2003)(upholding revenue sharing where revenues were apportioned to non-gaming tribes); see also Letter From Gale A. Norton, Secretary of the Department of Interior, to Cyrus Schindler, President of the Seneca Nation of Indians, November 12, 2002.

⁶⁹ The Tribe would automatically be authorized to conduct the same games authorized for any other person at any location.

Tribe was entitled to conduct banked card games for the full 20-year term of the 2010 Compact. The Tribe also asserted that the State breached its duty to negotiate with the Tribe in good faith. In its lawsuit, DBPR asserted that the Tribe was improperly continuing banked card games beyond its 5-year authorization, and that the Tribe was violating IGRA by conducting gaming not otherwise authorized in the state.

In November 2016, a federal district court entered an order declaring that, due to DBPR's authorization of designated player games at pari-mutuel facilities, the Tribe has the right under the 2010 Compact to continue offering banked card games for the 2010 Compact's entire 20-year term and at all seven tribal facilities.⁷⁰ The ruling is currently under appeal.

On March 22, 2017, the Tribe delivered a letter⁷¹ to the Governor, Senate President, and House Speaker, notifying the State of a final declaratory judgment entered on March 15, 2017, in *Gator Coin II, Inc. v. Florida Department of Business and Professional Regulation*⁷² (Gator Coin case). In its letter, the Tribe contends that the ruling in the Gator Coin case allows the operation of machines that infringe upon the Tribe's exclusivity under the 2010 Compact, and requests that the State "take prompt action to remedy this violation."⁷³

2015 Proposed Compact

A new compact was executed by the Governor and the Tribe on December 7, 2015 (2015 Proposed Compact), but it has not been ratified by the Legislature and therefore is not in effect. Consequently, the 2010 Compact remains in effect.

Effect of the Bill: Seminole Gaming Compact

Indian Gaming in Florida

Ratification of the 2017 Compact

The bill ratifies and approves in advance a 2017 Compact between the Tribe and the State and authorizes the Governor to execute such a compact in the identical form set forth in the legislation. If ratified, the 2017 Compact will supersede the 2010 Compact; if not ratified, the 2010 Compact will remain in effect. As in previous compact legislation, the bill requires the Governor to cooperate with the Tribe in seeking approval of the 2017 Compact from the United States Secretary of the Interior.

Obligations under the 2017 Compact

The 2017 Compact authorizes the Tribe to conduct the same Class III games at the same locations originally authorized under the 2010 Compact.

It permits the Tribe to offer the following games, termed "covered games":

- Slot machines at all 7 facilities;
- Banked card games (including blackjack, chemin de fer, and baccarat) at 5 of 7 facilities;
- Raffles and drawings;
- Any new game expressly authorized by the Legislature pursuant to legislation enacted subsequent to the effective date of the 2017 Compact.

⁷⁰ *Seminole Tribe of Florida v. State of Florida*, No. 4:15CV516-RH/CAS, 2016 WL 6637706 (N.D. Fla. Nov. 9, 2016).

⁷¹ Marcellus Osceola, Jr., Chairman of the Seminole Tribe of Florida, to the Honorable Rick Scott, the Honorable Joe Negron, and the Honorable Richard Corcoran (March 22, 2017).

⁷² Case No. 2015-CA-002629 (Fla. 2d Cir. Ct. Mar. 15, 2017).

⁷³ See Osceola, *supra* note 71.

It provides that “[a]ny of the facilities existing on Indian Lands . . . may be expanded or replaced by another facility on the same Indian Lands with at least 60 days advanced notice to the state.”

The 2017 Compact has a term of 20 years.

Payments to the State under the 2017 Compact

Mirroring the 2015 Proposed Compact, the 2017 Compact establishes a guarantee minimum payment period that is defined as the seven-year period beginning July 1, 2017, and ending June 30, 2024. During the guarantee minimum payment period, the Tribe will make payments as specified, totaling \$3 billion over seven years. Payments will be paid by the Tribe to the State as follows:

- During the initial period (from the effective date to June 30, 2017), the Tribe makes payments based on a variable percentage of net win similar to the percentage payments in the 2010 Compact.
- During the guarantee minimum payment period from July 1, 2017 to June 30, 2024, the Tribe pays a minimum of \$3 billion over seven years.
- At the end of the guarantee minimum payment period, if the percentage payments (that range from 13 percent of net win up to \$2 billion, to 25 percent of net win greater than \$4.5 billion) would have amounted to more than the guaranteed minimum payments, the Tribe must pay the difference.
- The Tribe’s guaranteed minimum revenue sharing payments are:
 - \$325 million – 1st year;
 - \$350 million – 2nd year;
 - \$375 million – 3rd year;
 - \$425 million – 4th year;
 - \$475 million – 5th year;
 - \$500 million – 6th year; and
 - \$550 million – 7th year.
- After the first seven years, the Tribe will continue to make percentage payments to the state without a guaranteed minimum payment.
- The percentage payments include 13 percent on amounts up to \$2 billion of net win,⁷⁴ 17.5 percent on amounts greater than \$2 billion, up to and including \$3.5 billion of net win,⁷⁵ 20 percent of amounts greater than \$3.5 billion, up to and including \$4 billion of net win, 22.5 percent of amounts greater than \$4 billion, up to and including \$4.5 billion of net win, and 25 percent of amounts greater than \$4.5 billion of net win.

Revenue Sharing Consequences under the 2017 Compact

The 2017 Compact specifies that the monies paid by the Tribe to the State shall be allocated as follows:

- As with the 2010 Compact, three percent shall be distributed to local governments affected by the Tribe’s operation of covered games;
- Of the remaining amounts:
 - One-third shall be allocated to K-12 teacher recruitment and retention bonuses;
 - One-third shall be allocated to schools that serve students from persistently failing schools; and
 - One-third shall be allocated to higher education institutions to recruit and retain distinguished faculty.

⁷⁴ One percentage point more than the 2010 Compact.

⁷⁵ Two and a half percentage points more than the 2010 Compact for amounts between \$2 billion and \$3 billion of net win.

If such payments are not allocated to the specified educational purposes in the precise manner and amounts set forth above, then all further payments due to the State will cease until such time as such allocations are made, in which event the payments will resume.

As with the 2010 Compact, revenue sharing payments under the 2017 Compact may be affected if the State permits:

- New forms of Class III gaming or other casino-style gaming after February 1, 2017, or Class III gaming or other casino-style gaming at any location not authorized for such games as of February 1, 2017;
- Licensed pari-mutuel wagering entities to offer banked card games;
- Class III gaming at other locations in Miami-Dade or Broward Counties;
- Class III gaming to be offered outside of Miami-Dade or Broward Counties.

As with the 2010 Compact, revenue sharing under the 2017 Compact may also be affected if the State authorizes any new types of lottery games for the Florida Lottery that are not in operation as of February 1, 2017. Likewise, it recognizes that internet gaming is not currently permitted in Florida. If the Legislature authorizes internet gaming, and the Tribe's revenue declines more than five percent, the guaranteed minimum payments cease, but the percentage payments continue. If the Tribe offers internet gaming to patrons, then the guaranteed minimum payments continue.

In addition, the 2017 Compact:

- Specifies that revenue sharing payments may be affected if the State permits any pari-mutuel to reduce live races below levels required under current law for a pari-mutuel facility to maintain cardroom and slot machine licenses; and
- Establishes a more detailed process for identifying and resolving any breaches of exclusivity under the Compact.

As the table below illustrates, the 2017 Compact adopts many of the key provisions of the 2010 Compact:

	2010 Compact	2017 Compact
Revenue Sharing	Revenue sharing, providing for minimum guaranteed payments of \$1 billion dollars over the first five years. (The minimum guaranteed payments ended on July 1, 2015)	Revenue sharing, providing for minimum guaranteed payments of \$3 billion dollars over the first seven years.
Compulsive Gambling Exclusivity Payment	Tribe will make annual \$250,000 donation per Facility (\$1,750,000 total) to the Florida Council on Compulsive Gambling and maintain a voluntary exclusion list, so long as exclusivity is maintained.	Same.
Class III Gaming Authorizations	All seven Seminole Casinos may offer slot machines, raffles and drawings, and any new game authorized in Florida. Banked card games may be offered at five of the Seminole Casinos (excluding the Brighton and Big Cypress facilities).	Same.
Banked Card Game	No facility in Florida, except for	Same.

Exclusivity	specifically authorized Tribal facilities, may offer banked card games.	
Slot Machine Exclusivity	No facility except for currently authorized PMW facilities in Miami-Dade or Broward County may offer slot machines.	Same.
If Class III Gaming is authorized in non-specified facilities <u>within</u> Miami-Dade or Broward County	Guaranteed minimum payments cease and revenue sharing payments are calculated excluding Broward County facilities.	Same.
If Class III Gaming is authorized <u>outside</u> of Miami-Dade or Broward County	All payments under the Compact cease.	Same.
If internet or online gaming is authorized in Florida	If Tribe's revenues drop by more than 5%, guaranteed minimum payments stop but percentage revenue sharing continues. If Tribe decides to offer internet or online gaming, then guaranteed minimum payments continue.	Same.

Effect of the Bill: Pari-Mutuel Wagering

The bill specifies that the Division may not approve or issue any new permit authorizing pari-mutuel wagering. The bill also provides that any reduction in live performances by a pari-mutuel facility may affect revenue sharing payments under the 2017 Compact.

The bill provides additional authority for the Division to revoke a permit, including in the following circumstances:

- If a permit holder has failed to obtain an operating license to conduct live events for a period of more than 24 consecutive months after July 1, 2012, or
- If a permit holder fails to make required payments for more than 24 consecutive months. This extends the existing requirement relative to thoroughbred and harness racing permits to all pari-mutuel wagering permits.

In addition, the bill:

- Specifies that pari-mutuel permits revoked under the circumstances identified above are void and may not be reissued;
- Repeals all relocation provisions relating to pari-mutuel permits; and
- Repeals all conversion provisions relating to pari-mutuel permits.

Effect of the Bill: Cardrooms

The bill revises provisions to clarify that only traditional, pari-mutuel-style poker games are authorized in cardrooms in Florida. The bill also specifies that designated player games and any other form of card game involving a bank are prohibited in cardrooms.

The bill revises the statutory definition of "authorized game" as follows:

[A] game or series of games of traditional poker or dominoes which are played in a pari-mutuel, nonbanking manner, where all players at the table play against all other players at the table and contribute to a common pot of winnings collected by the winner, and which are played in a manner consistent with the rules and requirements set forth in the 1974 edition of Hoyle's Modern Encyclopedia of Card Games.

The bill revises the statutory definition of "banking game" to be "a game in which the house is a participant in the game, taking on players, paying winners, and collecting from losers, or a game in which any person or party serves as a bank against which participants play."

The bill prohibits any game not specifically authorized by the statute, including but not limited to games in which:

- The cardroom or any other person or party serves as a bank or banker against which players play;
- Players compete against a designated player instead of competing against all players at the table;
- The number of cards or ranking of hands does not conform to the rules and requirements for traditional poker as set forth in the 1974 edition of Hoyle's Modern Encyclopedia of Card Games; or
- Any other game conducted in a manner that is not consistent with the statutes.

Finally, the bill states that any action or inaction by the Division which is deemed to be permission to conduct banking games does not represent state action for purposes of the 2017 Compact.

Effect of the Bill: Slot Machines

The bill clarifies that slot machines and slot machine licenses are not authorized in pari-mutuel facilities outside of Miami-Dade and Broward Counties, and further states that no new slot machine licenses may be issued after January 1, 2017. This clarification is accomplished in part by repealing the third clause of s. 551.102(4).

The revised s. 551.102(4) would read as follows:

- Any licensed pari-mutuel facility located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county;
- Any licensed pari-mutuel facility located within a county as defined in s. 125.011, F.S., provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter.

B. SECTION DIRECTORY:

Section 1: Amends s. 285.710, F.S., ratifying and approving a Model Gaming Compact between the Tribe and the State (2017 Compact); providing that the 2017 Compact, once in effect, will replace and supersede the prior compact in effect since 2010 (2010 Compact); authorizing the Governor to negotiate and execute a compact identical to the 2017 Compact, and thereafter to cooperate with the Tribe in seeking approval of such compact from the United States Secretary of the Interior; maintaining exclusive authorization for the Tribe to conduct games but only to the extent previously authorized under the 2010 Compact and only at the specified facilities authorized to conduct such games as of July 1, 2015.

Section 2: Amends s. 285.712, F.S., correcting a citation.

Section 3: Amends s. 550.054, F.S., requiring the Division to revoke a pari-mutuel wagering operating permit under certain circumstances; prohibiting issuance or approval of new pari-mutuel permits after a specified date; providing exceptions; revising provisions that prohibit transfer or assignment of a pari-mutuel permit; prohibiting transfer or assignment of a pari-mutuel permit or license under certain conditions; prohibiting relocation of a pari-mutuel facility, cardroom, or slot machine facility or conversion of pari-mutuel permits to a different class; deleting provisions for certain converted permits.

Section 4: Repeals s. 550.0555, F.S., relating to the relocation of greyhound racing permits.

Section 5: Repeals s. 550.0745, F.S., relating to the issuance of pari-mutuel permits to summer jai alai permits under certain circumstances.

Section 6: Amends s. 550.09512, F.S., providing for the revocation of certain harness horse racing permits; specifying that a revoked permit may not be reissued.

Section 7: Amends s. 550.09515, F.S., providing for the revocation of certain thoroughbred racing permits; specifying that a revoked permit may not be reissued; removing an obsolete provision.

Section 8: Amends s. 550.3345, F.S., revising provisions for a permit previously converted from a quarter horse racing permit to a limited thoroughbred racing permit.

Section 9: Amends s. 551.102, F.S., revising the definition of the terms "eligible facility" for purposes of provisions relating to slot machines.

Section 10: Amends s. 551.104, F.S., specifying that no new slot machine licenses may be issued by the Division after January 1, 2017; specifying that no slot machine gaming may be conducted at any location or facility not conducting slot machine gaming as of January 1, 2017.

Section 11: Amends s. 849.086, F.S., revising definitions; clarifying that Division may not authorize designated player games or any game involving a bank in cardrooms; authorizing the Division to revoke the cardroom license of any permitholder which conducts games prohibited under s. 849.086(12), F.S.

Section 12: Clarifies that all cardroom games involving designated players or a bank of any kind are illegal, prohibited, and contrary to the plain language and spirit of Florida law.

Section 13: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill is expected to have a positive recurring impact on state revenues. However, the Revenue Estimating Conference has not estimated the potential revenue impacts of the bill.

2. Expenditures:

Unknown. DBPR has not provided an estimate of any operational/fiscal impact that the bill may have on the Division or DBPR.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill is expected to have a positive recurring impact on local government revenues due to the 3 percent distribution from revenues shared with the state. However, the Revenue Estimating Conference has not estimated the potential revenue impacts of the bill.

2. Expenditures:

The bill does not appear to have an impact on expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

The bill includes provisions that may result in the revocation or restriction of pari-mutuel permits and associated licenses. The bill may also result in the restriction of activities currently being conducted or requested to be conducted at one or more pari-mutuel facilities. Affected permitholders may claim that such provisions offend constitutional protections.

The Florida Supreme Court has found that "[a]uthorized gambling is a matter over which the state may exercise greater control and exercise its police power in a more arbitrary manner ..."⁷⁶ Thus, the Court found that, unlike permits to construct a building, "[i]t is doubtful if we can agree with counsel in concluding that a racing permit is a vested interest or right and after once granted cannot be changed."⁷⁷ Likewise, "Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right."⁷⁸

Furthermore, it is unclear what (if any) value can be attributed to a pari-mutuel permit. Pari-mutuel permits are merely a prerequisite to licensure for pari-mutuel wagering and, by themselves, do not appear to vest the holder with any constitutionally protected rights. There are no application fees to receive a permit for pari-mutuel wagering and no fees to retain such a permit. Permits may not be transferred without state approval. While a pari-mutuel permit is one prerequisite to licensure to conduct cardroom and slot machine gaming, it is not the only prerequisite. Not all permitholders may be able to obtain a license to conduct pari-mutuel wagering events or other gaming activities, which may require local zoning and other approvals. In other words, a pari-mutuel permit alone has little (if any) value in the absence of the many licenses and other governmental approvals that are required to conduct the activities associated with the pari-mutuel permit.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

⁷⁶ *Hialeah Race Course v. Gulfstream Park Racing Ass'n*, 37 So.2d 692, 694 (Fla. 1948).

⁷⁷ *State ex rel. Biscayne Kennel Club v. Stein*, 130 Fla. 517, 520 (Fla. 1938).

⁷⁸ *Solimena v. State*, 402 So.2d 1240 (Fla. 3rd DCA 1981).

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to gaming; amending s. 285.710, F.S.;
 3 authorizing and directing the Governor, in cooperation
 4 with the Seminole Tribe of Florida, to execute a new
 5 compact in the form provided; signifying the
 6 Legislature's approval and ratification of such
 7 compact that does not materially alter from the
 8 approved form; providing terms and conditions for the
 9 gaming compact; providing definitions; authorizing the
 10 Tribe to operate covered games on its lands in
 11 accordance with the compact and at specified
 12 facilities; prohibiting specified games; providing
 13 requirements for resolution of patron disputes
 14 involving gaming, tort claims, and employee disputes;
 15 providing requirements for regulation and enforcement
 16 of the compact; requiring the state to conduct random
 17 inspections of tribal facilities; authorizing the
 18 state to conduct an independent audit; requiring the
 19 Tribe and commission to comply with specified
 20 licensing and hearing requirements; requiring the
 21 Tribe to make specified revenue share payments to the
 22 state, with reductions authorized under certain
 23 circumstances; requiring the Tribe to pay an annual
 24 oversight assessment and annual donation to the
 25 Florida Council on Compulsive Gaming; providing for

26 | dispute resolution between the Tribe and the state;
 27 | providing an effective date and termination of the
 28 | compact; providing for execution of the compact;
 29 | amending s. 285.712, F.S.; requiring the Governor to
 30 | provide a copy of the executed compact to specified
 31 | parties and direct the Secretary of State to forward a
 32 | copy to the Secretary of the Interior; amending s.
 33 | 550.054, F.S.; requiring the Division of Pari-Mutuel
 34 | Wagering to revoke a permit to conduct pari-mutuel
 35 | wagering for a permit holder that fails to make
 36 | specified payments or obtain an operating license;
 37 | prohibiting the issuance of new permits; deleting
 38 | provisions related to the conversion of permits;
 39 | repealing s. 550.0555, F.S., relating to relocation of
 40 | a greyhound dog racing permit within the same county;
 41 | repealing s. 550.0745, F.S., relating to conversion of
 42 | a pari-mutuel permit to a summer jai alai permit;
 43 | amending ss. 550.09512 and 550.09515, F.S.; requiring
 44 | the division to revoke the permit of a harness horse
 45 | or thoroughbred racing permit holder, respectively, who
 46 | does not pay tax on handle for a specified period of
 47 | time; deleting provisions relating to the reissuance
 48 | of escheated permits; amending s. 550.3345, F.S.;
 49 | revising provisions relating to a limited thoroughbred
 50 | racing permit previously converted from a quarter

51 horse racing permit; amending s. 551.102, F.S.;

52 revising the definition of the term "eligible

53 facility"; amending s. 551.104, F.S.; prohibiting the

54 division from issuing a license to conduct or

55 authorizing slot machine gaming after a specified

56 date; amending s. 849.086, F.S.; revising definitions;

57 prohibiting specified cardroom games; authorizing the

58 division to revoke a cardroom license after a certain

59 date for specified actions; correcting a cross-

60 reference; providing action by the division construed

61 to constitute permission by the state to conduct

62 certain cardroom games is not state action; providing

63 an effective date.

64

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

66

67 Section 1. Paragraph (a) of subsection (1) and subsection

68 (3) of section 285.710, Florida Statutes, are amended to read:

69 285.710 Compact authorization.—

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

71 (a) "Compact" means the Gaming Compact between the

72 Seminole Tribe of Florida and the State of Florida, ~~executed on~~

73 ~~April 7, 2010.~~

74 (3) (a) The Gaming Compact between the Seminole Tribe of

75 Florida and the State of Florida, executed by the Governor and

76 the Tribe on April 7, 2010, was ~~is~~ ratified and approved by
 77 chapter 2010-29, Laws of Florida. ~~The Governor shall cooperate~~
 78 ~~with the Tribe in seeking approval of the compact from the~~
 79 ~~United States Secretary of the Interior.~~

80 (b) The Governor, on behalf of this state, is hereby
 81 authorized and directed to execute a new compact with the Tribe
 82 as set forth in paragraph (c), and the Legislature hereby
 83 signifies in advance its approval and ratification of such
 84 compact, provided that it is identical to the compact set forth
 85 in paragraph (c) and becomes effective on or before January 1,
 86 2018. The Governor shall cooperate with the Tribe in seeking
 87 approval of such compact ratified and approved under this
 88 paragraph from the Secretary of the Department of the Interior.
 89 Upon becoming effective, such compact supersedes the Gaming
 90 Compact ratified and approved under paragraph (a), which shall
 91 then become null and void.

92 (c) The Legislature hereby approves and ratifies the
 93 following Gaming Compact between the State of Florida and the
 94 Seminole Tribe of Florida, provided that such compact becomes
 95 effective on or before January 1, 2018:

97 Gaming Compact Between the Seminole Tribe of Florida
 98 and the State of Florida

99
 100 This compact is made and entered into by and between the

101 Seminole Tribe of Florida and the State of Florida, with respect
 102 to the operation of covered games, as defined herein, on the
 103 Tribe's Indian lands, as defined by the Indian Gaming Regulatory
 104 Act, 25 U.S.C. ss. 2701 et seq.

106 PART I

108 TITLE.—This document shall be referred to as the "Gaming
 109 Compact between the Seminole Tribe of Florida and the State of
 110 Florida."

112 PART II

114 LEGISLATIVE FINDINGS.—

115 (1) The Seminole Tribe of Florida is a federally
 116 recognized tribal government that possesses sovereign powers and
 117 rights of self-government.

118 (2) The State of Florida is a state of the United States
 119 of America that possesses the sovereign powers and rights of a
 120 state.

121 (3) The State of Florida and the Seminole Tribe of Florida
 122 maintain a government-to-government relationship.

123 (4) The United States Supreme Court has long recognized
 124 the right of an Indian Tribe to regulate activity on lands
 125 within its jurisdiction, but the United States Congress, through

126 the Indian Gaming Regulatory Act, has given states a role in the
 127 conduct of tribal gaming in accordance with negotiated tribal-
 128 state compacts.

129 (5) Pursuant to the Seminole Tribe Amended Gaming
 130 Ordinance, adopted by Resolution No. C-195-06, and approved by
 131 the Chairman of the National Indian Gaming Commission on July
 132 10, 2006, hereafter referred to as the "Seminole Tribal Gaming
 133 Code," the Seminole Tribe of Florida desires to offer the play
 134 of covered games, as defined in Part III, as a means of
 135 generating revenues for purposes authorized by the Indian Gaming
 136 Regulatory Act, including, without limitation, the support of
 137 tribal governmental programs, such as health care, housing,
 138 sewer and water projects, police, fire suppression, general
 139 assistance for tribal elders, day care for children, economic
 140 development, educational opportunities, per capita payments to
 141 tribal members, and other typical and valuable governmental
 142 services and programs for tribal members.

143 (6) This compact is the only gaming compact between the
 144 Tribe and the state. This compact supersedes the Gaming Compact
 145 between the Tribe and the state executed on or about April 7,
 146 2010, which was subsequently ratified by the Legislature and
 147 went into effect on or about July 6, 2010.

148 (7) It is in the best interests of the Seminole Tribe of
 149 Florida and the State of Florida for the state to enter into a
 150 compact with the Tribe that recognizes the Tribe's right to

151 offer certain Class III gaming and provides substantial
 152 exclusivity of such activities in conjunction with a reasonable
 153 revenue sharing arrangement between the Tribe and the state that
 154 will entitle the state to significant revenue participation.

156 PART III

158 DEFINITIONS.—As used in this compact, the term:

159 (1) "Annual oversight assessment" means the amount owed by
 160 the Tribe to the state for reimbursement for the actual and
 161 reasonable costs incurred by the state compliance agency to
 162 perform the monitoring functions set forth under the compact.

163 (2) "Class II video bingo terminals" means any electronic
 164 aid to a Class II bingo game that includes a video spinning reel
 165 or mechanical spinning reel display.

166 (3) "Class III gaming" means the forms of Class III gaming
 167 defined in 25 U.S.C. s. 2703(8) and by the regulations of the
 168 National Indian Gaming Commission.

169 (4) "Commission" means the Seminole Tribal Gaming
 170 Commission, which is the tribal governmental agency that has the
 171 authority to carry out the Tribe's regulatory and oversight
 172 responsibilities under this compact.

173 (5) "Compact" means this Gaming Compact between the
 174 Seminole Tribe of Florida and the State of Florida.

175 (6) "Covered game" or "covered gaming activity" means the

176 following Class III gaming activities:

177 (a) Slot machines, which machines must meet all of the
 178 following requirements:

179 1. Any mechanical or electrical contrivance, terminal that
 180 may or may not be capable of downloading slot games from a
 181 central server system, machine, or other device.

182 2. Require, for play or operation, the insertion of a
 183 coin, bill, ticket, token, or similar object, or payment of any
 184 consideration whatsoever, including the use of any electronic
 185 payment system, except a credit card or debit card, unless state
 186 law authorizes the use of an electronic payment system that uses
 187 a credit or debit card payment, in which case the Tribe is
 188 authorized to use such payment system.

189 3. Are available to play or operate, the play or operation
 190 of which, whether by reason of skill or application of the
 191 element of chance or both, may deliver or entitle the person or
 192 persons playing or operating the contrivance, terminal, machine,
 193 or other device to receive cash, billets, tickets, tokens, or
 194 electronic credits to be exchanged for cash or to receive
 195 merchandise or anything of value whatsoever, whether the payoff
 196 is made automatically from the machine or manually.

197 4. Includes associated equipment necessary to conduct the
 198 operation of the contrivance, terminal, machine, or other
 199 device.

200 5. May use spinning reels, video displays, or both.

201 (b) Banking or banked card games, including any card games
 202 that are banked by the house, a player, other person or party,
 203 or any combination or variation thereof, such as baccarat,
 204 chemin de fer, and blackjack or 21; provided that the Tribe
 205 shall not offer such banked card games at its Brighton or Big
 206 Cypress facilities.

207 (c) Raffles and drawings.

208 (d) Any new game, if expressly authorized by the
 209 Legislature pursuant to legislation enacted subsequent to the
 210 effective date of this compact and lawfully conducted by any
 211 person for any purpose pursuant to such authorization, except
 212 for banked card games authorized for any other federally
 213 recognized tribe pursuant to Indian Gaming Regulatory Act,
 214 provided that the tribe has land in federal trust in the state
 215 as of February 1, 2017.

216 (7) "Covered game employee" or "covered employee" means an
 217 individual employed and licensed by the Tribe whose
 218 responsibilities include the rendering of services with respect
 219 to the operation, maintenance, or management of covered games,
 220 including, but not limited to, managers and assistant managers;
 221 accounting personnel; commission officers; surveillance and
 222 security personnel; cashiers, supervisors, and floor personnel;
 223 cage personnel; and any other employee whose employment duties
 224 require or authorize access to areas of the facility related to
 225 the conduct of covered games or the technical support or storage

226 of covered game components. The term does not include the
 227 Tribe's elected officials, provided that such individuals are
 228 not directly involved in the operation, maintenance, or
 229 management of covered games or covered games components.

230 (8) "Documents" means books, records, electronic,
 231 magnetic, and computer media documents, and other writings and
 232 materials, copies of such documents and writings, and
 233 information contained in such documents and writings.

234 (9) "Effective date" means the date on which the compact
 235 becomes effective pursuant to subsection (1) of Part XVI.

236 (10) "Electronic bingo machine" means a card minding
 237 device, which may only be used in connection with a bingo game
 238 as defined in s. 849.0931(1)(a), Florida Statutes, which is
 239 certified in advance by an independent testing laboratory
 240 approved by the Division of Pari-Mutuel Wagering as a bingo aid
 241 device that meets all of the following requirements:

242 (a) Aids a bingo game player by:

243 1. Storing in the memory of the device not more than three
 244 bingo faces of tangible bingo cards as defined by s.
 245 849.0931(1)(b), Florida Statutes, purchased by a player.

246 2. Comparing the numbers drawn and individually entered
 247 into the device by the player to the bingo faces previously
 248 stored in the memory of the device.

249 3. Identifying preannounced winning bingo patterns marked
 250 or covered on the stored bingo faces.

251 (b) Is not capable of accepting or dispensing any coins,
 252 currency, or tokens.

253 (c) Is not capable of monitoring any bingo card face other
 254 than the faces of the tangible bingo card or cards purchased by
 255 the player for that game.

256 (d) Is not capable of displaying or representing the game
 257 result through any means other than highlighting the winning
 258 numbers marked or covered on the bingo card face or giving an
 259 audio alert that the player's card has a prize-winning pattern.
 260 No casino game graphics, themes, or titles, including, but not
 261 limited to, depictions of slot machine-style symbols, cards,
 262 craps, roulette, or lottery may be used.

263 (e) Is not capable of determining the outcome of any game.

264 (f) Does not award progressive prizes of more than \$2,500.

265 (g) Does not award prizes exceeding \$1,000, other than
 266 progressive prizes not exceeding \$2,500.

267 (h) Does not contain more than one player position for
 268 playing bingo.

269 (i) Does not contain or does not link to more than one
 270 video display.

271 (j) Awards prizes based solely on the results of the bingo
 272 game, with no additional element of chance.

273 (11) "Facility" means a building or buildings of the Tribe
 274 in which the covered games authorized by this compact are
 275 conducted.

276 (12) "Guaranteed minimum compact term payment" means a
 277 minimum total payment for the guarantee payment period of \$3
 278 billion, which shall include all revenue share payments during
 279 the guarantee payment period.

280 (13) "Guarantee payment period" means the seven-year
 281 period beginning July 1, 2017, and ending June 30, 2024.

282 (14) "Guaranteed revenue sharing cycle payment" means the
 283 payments as provided in Part XI.

284 (15) "Historic racing machine" means an individual
 285 historic race terminal linked to a central server as part of a
 286 network-based video game, where the terminals allow pari-mutuel
 287 wagering by players on the results of previously conducted horse
 288 or greyhound races, but only if the game is certified in advance
 289 by an independent testing laboratory approved by the Division of
 290 Pari-Mutuel Wagering as complying with all of the following
 291 requirements:

292 (a) Stores all data on previously conducted horse or
 293 greyhound races in a secure format on the central server, which
 294 is located at the pari-mutuel facility.

295 (b) Uses only horse or greyhound races that were recorded
 296 at licensed pari-mutuel facilities in the United States after
 297 January 1, 2000.

298 (c) Offers one or more of the following three bet types on
 299 all historic racing machines: win-place-show, quinella, or tri-
 300 fecta.

- 301 (d) Offers one or more of the following racing types:
 302 thoroughbreds, harness, or greyhounds.
- 303 (e) Progressive prizes of more than of \$2,500 are
 304 prohibited.
- 305 (f) Does not award prizes exceeding \$1,000, other than
 306 progressive prizes not exceeding \$2,500.
- 307 (g) After each wager is placed, displays a video of at
 308 least the final eight seconds of the horse or greyhound race
 309 before any prize is awarded or indicated on the historic racing
 310 machine.
- 311 (h) The display of the video of the horse or greyhound
 312 race must occupy at least 70 percent of the historic racing
 313 machine's video screen and does not contain and is not linked to
 314 more than one video display.
- 315 (i) Does not use casino game graphics, themes, or titles,
 316 including but not limited to, depictions of slot machine-style
 317 symbols, cards, craps, roulette, lottery, or bingo.
- 318 (j) Does not use video or mechanical reel displays.
- 319 (k) Does not contain more than one player position for
 320 placing wagers.
- 321 (l) Does not dispense coins, currency, or tokens.
- 322 (m) Awards prizes solely on the results of a previously
 323 conducted horse or greyhound race with no additional element of
 324 chance.
- 325 (n) Uses a random number generator to select the race from

326 the central server to be displayed to the player and the numbers
 327 or other designations of race entrants that will be used in the
 328 various bet types for any "Quick Pick" bets. To prevent an
 329 astute player from recognizing the race based on the entrants
 330 and thus knowing the results before placing a wager, the
 331 entrants of the race may not be identified until after all
 332 wagers for that race have been placed.

333 (16) "Indian Gaming Regulatory Act" means the Indian
 334 Gaming Regulatory Act, Pub. L. 100-497, Oct. 17, 1988, 102 Stat.
 335 2467, codified at 25 U.S.C. ss. 2701 et seq. and 18 U.S.C. ss.
 336 1166 to 1168.

337 (17) "Indian lands" means the lands defined in 25 U.S.C.
 338 s. 2703(4).

339 (18) "Initial payment period" means the period beginning
 340 on the effective date of the compact and ending on June 30,
 341 2017.

342 (19) "Lottery vending machine" means any of the following
 343 three types of machines:

344 (a) A machine that dispenses pre-printed paper instant
 345 lottery tickets, but that does not read or reveal the results of
 346 the ticket or allow a player to redeem any ticket. The machine,
 347 or any machine or device linked to the machine, does not include
 348 or make use of video reels or mechanical reels or other video
 349 depictions of slot machine or casino game themes or titles for
 350 game play, but does not preclude the use of casino game themes

351 or titles on such tickets or signage or advertising displays on
 352 the machines;

353 (b) A machine that dispenses pre-determined electronic
 354 instant lottery tickets and displays an image of the ticket on a
 355 video screen on the machine, where the player touches the image
 356 of the ticket on the video screen to reveal the outcome of the
 357 ticket, provided the machine does not permit a player to redeem
 358 winnings, does not make use of video reels or mechanical reels,
 359 and does not simulate the play of any casino game, and the
 360 lottery retailer is paid the same amount as would be paid for
 361 the sale of paper instant lottery tickets; or

362 (c) A machine that dispenses a paper lottery ticket with
 363 numbers selected by the player or randomly by the machine, but
 364 does not reveal the winning numbers. Such winning numbers are
 365 selected at a subsequent time and different location through a
 366 drawing conducted by the state lottery. The machine, or any
 367 machine or device linked to the machine, does not include or
 368 make use of video reels or mechanical reels or other video
 369 depictions of slot machine or casino game themes or titles for
 370 game play. The machine is not used to redeem a winning ticket.
 371 This does not preclude the use of casino game themes, titles for
 372 signage, or advertising displays on the machine.

373 (20) "Monthly payment" means the monthly revenue share
 374 payment which the Tribe remits to the state on the 15th day of
 375 the month following each month of the revenue sharing cycle.

376 (21) "Net revenue base" means the net win for the 12 month
 377 period immediately preceding the offering of, for public or
 378 private use, Class III or other casino-style gaming at any of
 379 the licensed pari-mutuel facilities in Broward and Miami-Dade
 380 Counties, except that if the commencement of such new gaming is
 381 made during the initial payment period, "net revenue base" means
 382 net win for the 12-month period immediately preceding this
 383 compact.

384 (22) "Net win" means the total receipts from the play of
 385 all covered games less all prize payouts and free play or
 386 promotional credits issued by the Tribe.

387 (23) "Pari-mutuel wagering activities" means those
 388 activities presently authorized by chapter 550, which do not
 389 include any casino-style game or device that includes video
 390 reels or mechanical reels or other slot machine or casino game
 391 themes or titles.

392 (24) "Patron" means any person who is on the premises of a
 393 facility, or who enters the Tribe's Indian lands for the purpose
 394 of playing covered games authorized by this compact.

395 (25) "Regular payment period" means the period beginning
 396 on July 1, 2024, and terminating at the end of the term of this
 397 compact.

398 (26) "Revenue share payment" means the periodic payment by
 399 the Tribe to the state provided for in Part XI.

400 (27) "Revenue sharing cycle" means the annual 12-month

401 period of the Tribe's operation of covered games in its
 402 facilities beginning on July 1 of each fiscal year, except for
 403 during the initial payment period, when the first revenue
 404 sharing cycle begins on July 1 of the previous year, and the
 405 Tribe receives a credit for any amount paid to the state under
 406 the 2010 Compact for that revenue sharing cycle.

407 (28) "Rules and regulations" means the rules and
 408 regulations promulgated by the commission for implementation of
 409 this compact.

410 (29) "State" means the State of Florida.

411 (30) "State compliance agency" means the state agency
 412 designated by the Florida Legislature that has the authority to
 413 carry out the state's oversight responsibilities under this
 414 compact.

415 (31) "Tribe" means the Seminole Tribe of Florida or any
 416 affiliate thereof conducting activities pursuant to this compact
 417 under the authority of the Seminole Tribe of Florida.

418
 419 PART IV

420
 421 AUTHORIZATION AND LOCATION OF COVERED GAMES.—

422 (1) The Tribe and state agree that the Tribe is authorized
 423 to operate covered games on its Indian lands, as defined in the
 424 Indian Gaming Regulatory Act, in accordance with the provisions
 425 of this compact. Except as otherwise provided in this compact,

426 nothing gives the Tribe the right to conduct roulette, craps,
 427 roulette-style games, or craps-style games; however, nothing in
 428 the compact is intended to prohibit the Tribe from operating
 429 slot machines that employ video or mechanical displays of
 430 roulette, wheels, or other table game themes. Except for the
 431 provisions in subsection (1) of Part XI, nothing in this compact
 432 shall limit the Tribe's right to operate any Class II gaming
 433 under the Indian Gaming Regulatory Act.

434 (2) The Tribe is authorized to conduct covered games under
 435 this compact only at the following seven existing facilities,
 436 which may be expanded or replaced as provided in subsection (3)
 437 on Indian lands:

438 (a) Seminole Indian Casino-Brighton in Okeechobee, FL.

439 (b) Seminole Indian Casino-Coconut Creek in Coconut Creek,
 440 FL.

441 (c) Seminole Indian Casino-Hollywood in Hollywood, FL.

442 (d) Seminole Indian Casino-Immokalee in Immokalee, FL.

443 (e) Seminole Indian Casino-Big Cypress in Clewiston, FL.

444 (f) Seminole Hard Rock Hotel & Casino-Hollywood in
 445 Hollywood, FL.

446 (g) Seminole Hard Rock Hotel & Casino-Tampa in Tampa, FL.

447 (3) Any of the facilities existing on Indian lands
 448 identified in subsection (2) may be expanded or replaced by
 449 another facility on the same Indian lands with at least 60 days'
 450 advance notice to the state.

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PART V

RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR OPERATIONS.-

(1) At all times during the term of this compact, the Tribe shall be responsible for all duties that are assigned to it and the commission under this compact. The Tribe shall promulgate any rules necessary to implement this compact, which, at a minimum, shall expressly include or incorporate by reference all provisions of Parts V, VI, VII, and VIII. Nothing in this compact shall be construed to affect the Tribe's right to amend its rules, provided that any such amendment is in conformity with this compact. The state compliance agency may propose additional rules consistent with and related to the implementation of this compact to the commission at any time, and the commission shall give good faith consideration to such proposed rules and shall notify the state compliance agency of its response or action with respect to such rules.

(2) All facilities shall comply with, and all covered games approved under this compact shall be operated in accordance with, the requirements set forth in this compact, including, but not limited to, the requirements set forth in subsections (3) and (4) and the Tribe's Internal Control Policies and Procedures. In addition, all facilities and all

476 covered games shall be operated in strict compliance with tribal
 477 internal control standards that provide a level of control that
 478 equals or exceeds those set forth in the National Indian Gaming
 479 Commission's Minimum Internal Control Standards, 25 C.F.R. part
 480 542 (2015), even if the 2015 regulations are determined to be
 481 invalid or are subsequently withdrawn by the National Indian
 482 Gaming Commission. The Tribe may amend or supplement its
 483 internal control standards from time to time, provided that such
 484 changes continue to provide a level of control that equals or
 485 exceeds those set forth in 25 C.F.R. part 542 (2015).

486 (3) The Tribe and the commission shall retain all
 487 documents in compliance with the requirements set forth in the
 488 Tribe's Record Retention Policies and Procedures.

489 (4) The Tribe shall continue and maintain its program to
 490 combat problem gambling and curtail compulsive gambling and work
 491 with the Florida Council on Compulsive Gambling or other
 492 organizations dedicated to assisting problem gamblers. The Tribe
 493 shall continue to maintain the following safeguards against
 494 problem gambling:

495 (a) The Tribe shall provide to every new gaming employee a
 496 comprehensive training and education program designed in
 497 cooperation with the Florida Council on Compulsive Gambling or
 498 other organization dedicated to assisting problem gamblers.

499 (b) The Tribe shall make printed materials available to
 500 patrons, which include contact information for the Florida

501 Council on Compulsive Gambling 24-hour helpline or other hotline
 502 dedicated to assisting problem gamblers, and will work with the
 503 Florida Council on Compulsive Gambling or other organization
 504 dedicated to assisting problem gamblers to provide contact
 505 information for the Florida Council on Compulsive Gambling or
 506 other organization dedicated to assisting problem gamblers, and
 507 to provide such information on the facility's website. The Tribe
 508 shall continue to display within the facilities all literature
 509 from the Florida Council on Compulsive Gambling or other
 510 organization dedicated to assisting problem gamblers.

511 (c)1. The commission shall establish a list of patrons
 512 voluntarily excluded from the Tribe's facilities, pursuant to
 513 subparagraph 3.

514 2. The Tribe shall employ its best efforts to exclude
 515 patrons on such list from entry into its facilities; provided
 516 that nothing in this compact shall create for patrons who are
 517 excluded but gain access to the facilities, or any other person,
 518 a cause of action or claim against the state, the Tribe or the
 519 commission, or any other person, entity, or agency for failing
 520 to enforce such exclusion.

521 3. Patrons who believe they may be compulsively playing
 522 covered games may request that their names be placed on the list
 523 of patrons voluntarily excluded from the Tribe's facilities.

524 (d) All covered game employees shall receive training on
 525 identifying compulsive gamblers and shall be instructed to ask

526 such persons to leave. The facility shall make available signs
 527 bearing a toll-free help-line number and educational and
 528 informational materials at conspicuous locations and automated
 529 teller machines in each facility, which materials aim at the
 530 prevention of problem gaming and which specify where patrons may
 531 receive counseling or assistance for gambling problems. All
 532 covered games employees shall also be screened by the Tribe for
 533 compulsive gambling habits. Nothing in this subsection shall
 534 create for patrons, or any other person, a cause of action or
 535 claim against the state, the Tribe or the commission, or any
 536 other person, entity, or agency for failing to identify a patron
 537 or person who is a compulsive gambler or ask that person to
 538 leave.

539 (e) The Tribe shall follow the rules for exclusion of
 540 patrons set forth in the Seminole Tribal Gaming Code.

541 (f) The Tribe shall make diligent efforts to prevent
 542 underage individuals from loitering in the area of each facility
 543 where the covered games take place.

544 (g) The Tribe shall ensure that any advertising and
 545 marketing of covered games at the facilities contains a
 546 responsible gambling message and a toll-free help-line number
 547 for problem gamblers, where practical, and that such advertising
 548 and marketing make no false or misleading claims.

549 (5) The state may secure an annual independent audit of
 550 the conduct of covered games subject to this compact, as set

551 forth in Part VIII.

552 (6) The facility shall visibly display summaries of the
 553 rules for playing covered games and promotional contests and
 554 shall make available complete sets of rules upon request. The
 555 Tribe shall provide copies of all such rules to the state
 556 compliance agency within 30 calendar days after issuance or
 557 amendment.

558 (7) The Tribe shall provide the commission and state
 559 compliance agency with a chart of the supervisory lines of
 560 authority with respect to those directly responsible for the
 561 conduct of covered games, and shall promptly notify those
 562 agencies of any material changes to the chart.

563 (8) The Tribe shall continue to maintain proactive
 564 approaches to prevent improper alcohol sales, drunk driving,
 565 underage drinking, and underage gambling. These approaches shall
 566 involve intensive staff training, screening and certification,
 567 patron education, and the use of security personnel and
 568 surveillance equipment in order to enhance patrons' enjoyment of
 569 the facilities and provide for patron safety.

570 (a) Staff training includes specialized employee training
 571 in nonviolent crisis intervention, driver license verification,
 572 and detection of intoxication.

573 (b) Patron education shall be carried out through notices
 574 transmitted on valet parking stubs, posted signs in the
 575 facilities, and in brochures.

576 (c) Roving and fixed security officers, along with
 577 surveillance cameras, shall assist in the detection of
 578 intoxicated patrons, investigate problems, and engage with
 579 patrons to deescalate volatile situations.

580 (d) To help prevent alcohol-related crashes, the Tribe
 581 will continue to operate the "Safe Ride Home Program," a free
 582 taxi service.

583 (e) The Tribe shall maintain these programs and policies
 584 in its Alcohol Beverage Control Act for the duration of the
 585 compact but may replace such programs and policies with stricter
 586 or more extensive programs and policies. The Tribe shall provide
 587 the state with written notice of any changes to the Tribe's
 588 Alcohol Beverage Control Act, which notice shall include a copy
 589 of such changes and shall be sent on or before the effective
 590 date of the change. Nothing in this subsection shall create for
 591 patrons, or any other person, a cause of action or claim against
 592 the state, the Tribe or the commission, or any other person,
 593 entity, or agency for failing to fulfill the requirements of
 594 this subsection.

595 (9) A person under 21 years of age may not play covered
 596 games, unless otherwise permitted by state law.

597 (10) The Tribe may establish and operate facilities that
 598 operate covered games only on its Indian lands as defined by the
 599 Indian Gaming Regulatory Act and as specified in Part IV.

600 (11) The commission shall keep a record of, and shall

601 report at least quarterly to the state compliance agency, the
 602 number of covered games in each facility, by the name or type of
 603 each game and its identifying number.

604 (12) The Tribe and the commission shall make available, to
 605 any member of the public upon request, within 10 business days,
 606 a copy of the minimum internal control standards of the National
 607 Indian Gaming Commission (25 C.F.R. part 542 (2015)), the
 608 Seminole Tribal Gaming Code, this compact, the rules of each
 609 covered game operated by the Tribe, and the administrative
 610 procedures for addressing patron tort claims under Part VI.

611
 612 PART VI
 613

614 PATRON DISPUTES, WORKERS' COMPENSATION, TORT CLAIMS; PRIZE
 615 CLAIMS; LIMITED CONSENT TO SUIT.-

616 (1) All patron disputes involving gaming shall be resolved
 617 in accordance with the procedures established in the Seminole
 618 Tribal Gaming Code.

619 (2) Tort claims by employees of the Tribe's facilities
 620 will be handled pursuant to the provisions of the Tribe's
 621 Workers' Compensation Ordinance, which shall provide workers the
 622 same or better protections as provided in state workers'
 623 compensation laws.

624 (3) Disputes involving employees of the Tribe's facilities
 625 will be handled pursuant to the provisions of the Tribe's policy

626 for gaming employees, as set forth in the Employee Fair
 627 Treatment and Dispute Resolution Policy.

628 (4) A patron who claims to have been injured after the
 629 effective date of the compact at one of the Tribe's facilities
 630 in which covered games are played is required to provide written
 631 notice to the Tribe's Risk Management Department or the
 632 facility, in a reasonable and timely manner, but no longer than
 633 three years after the date of the incident giving rise to the
 634 claimed injury, or the claim shall be forever barred.

635 (5) The Tribe shall have 30 days to respond to a claim
 636 made by a patron. If the Tribe fails to respond within 30 days,
 637 the patron may file suit against the Tribe. When the Tribe
 638 responds to an incident alleged to have caused a patron's injury
 639 or illness, the Tribe shall provide a claim form to the patron.
 640 The form must include the address for the Tribe's Risk
 641 Management Department and provide notice of the Tribe's
 642 administrative procedures for addressing patron tort claims,
 643 including notice of the relevant deadlines that may bar such
 644 claims if the Tribe's administrative procedures are not
 645 followed. It is the patron's responsibility to complete the form
 646 and forward the form to the Tribe's Risk Management Department
 647 within a reasonable period of time, and in a reasonable and
 648 timely manner. Nothing herein shall interfere with any claim a
 649 patron might have arising under the Federal Tort Claim Act.

650 (6) Upon receiving written notification of the claim, the

651 Tribe's Risk Management Department shall forward the
 652 notification to the Tribe's insurance carrier. The Tribe shall
 653 use its best efforts to ensure that the insurance carrier
 654 contacts the patron within a reasonable period of time after
 655 receipt of the claim.

656 (7) The insurance carrier shall handle the claim to
 657 conclusion. If the patron, Tribe, and insurance carrier are not
 658 able to resolve the claim in good faith within one year after
 659 the patron provided written notice to the Tribe's Risk
 660 Management Department or the facility, the patron may bring a
 661 tort claim against the Tribe in any court of competent
 662 jurisdiction in the county in which the incident alleged to have
 663 caused injury occurred, as provided in this compact, and subject
 664 to a four-year statute of limitations, which shall begin to run
 665 from the date of the incident of the injury alleged in the
 666 claim. A patron's notice of injury to the Tribe pursuant to
 667 subsection (4) and the fulfillment of the good faith attempt at
 668 resolution pursuant to this part are conditions precedent to
 669 filing suit.

670 (8) For tort claims of patrons made pursuant to subsection
 671 (4), the Tribe agrees to waive its tribal sovereign immunity to
 672 the same extent as the state waives its sovereign immunity, as
 673 specified in s. 768.28(1) and (5), Florida Statutes, as such
 674 provision may be amended from time to time by the Legislature.
 675 In no event shall the Tribe be deemed to have waived its tribal

676 immunity from suit beyond the limits set forth in s. 768.28(5),
 677 Florida Statutes. These limitations are intended to include
 678 liability for compensatory damages, costs, pre-judgment
 679 interest, and attorney fees if otherwise allowable under state
 680 law arising out of any claim brought or asserted against the
 681 Tribe, its subordinate governmental and economic units, any
 682 Tribal officials, employees, servants, or agents in their
 683 official capacities and any entity which is owned, directly or
 684 indirectly, by the Tribe. All patron tort claims brought
 685 pursuant to this provision shall be brought solely against the
 686 Tribe, as the sole party in interest.

687 (9) Notices explaining the procedures and time limitations
 688 with respect to making a tort claim shall be prominently
 689 displayed in the facilities, posted on the Tribe's website, and
 690 provided to any patron for whom the Tribe has notice of the
 691 injury or property damage giving rise to the tort claim. Such
 692 notices shall explain:

693 (a) The method and places for making a tort claim,
 694 including where the patron must submit the claim.

695 (b) That the process is the exclusive method for asserting
 696 a tort claim arising under this section against the Tribe.

697 (c) That the Tribe and its insurance carrier have one year
 698 from the date the patron gives notice of the claim to resolve
 699 the matter, and that after that time, the patron may file suit
 700 in a court of competent jurisdiction.

701 (d) That the exhaustion of the process is a prerequisite
 702 to filing a claim in state court.

703 (e) That claims that fail to follow this process shall be
 704 forever barred.

705 (10) The Tribe shall maintain an insurance policy that
 706 shall:

707 (a) Prohibit the insurer or the Tribe from invoking tribal
 708 sovereign immunity for claims up to the limits to which the
 709 state has waived sovereign immunity as set forth in s.
 710 768.28(5), Florida Statutes, or its successor statute.

711 (b) Include covered claims made by a patron or invitee for
 712 personal injury or property damage.

713 (c) Permit the insurer or the Tribe to assert any
 714 statutory or common law defense other than sovereign immunity.

715 (d) Provide that any award or judgment rendered in favor
 716 of a patron or invitee shall be satisfied solely from insurance
 717 proceeds.

718 (11) The Tribal Council of the Seminole Tribe of Florida
 719 may, in its discretion, consider claims for compensation in
 720 excess of the limits of the Tribe's waiver of its sovereign
 721 immunity.

722

723 PART VII

724

725 ENFORCEMENT OF COMPACT PROVISIONS.-

726 (1) The Tribe, the commission, and the state compliance
 727 agency, to the extent authorized by this compact, shall be
 728 responsible for regulating activities pursuant to this compact.
 729 As part of its responsibilities, the Tribe shall adopt or issue
 730 standards designed to ensure that the facilities are
 731 constructed, operated, and maintained in a manner that
 732 adequately protects the environment and public health and
 733 safety. Additionally, the Tribe and the commission shall ensure
 734 that:

735 (a) Operation of the conduct of covered games is in strict
 736 compliance with:

- 737 1. The Seminole Tribal Gaming Code.
- 738 2. All rules, regulations, procedures, specifications, and
 739 standards lawfully adopted by the National Indian Gaming
 740 Commission and the commission.
- 741 3. The provisions of this compact, including, but not
 742 limited to, the Tribe's standards and rules.

743 (b) Reasonable measures are taken to:

- 744 1. Ensure the physical safety of facility patrons,
 745 employees, and any other person while in the facility.
- 746 2. Prevent illegal activity at the facilities or with
 747 regard to the operation of covered games, including, but not
 748 limited to, the maintenance of employee procedures and a
 749 surveillance system.
- 750 3. Ensure prompt notification is given, in accordance with

751 applicable law, to appropriate law enforcement authorities of
 752 persons who may be involved in illegal acts.

753 4. Ensure that the construction and maintenance of the
 754 facilities complies with the standards of the Florida Building
 755 Code, the provisions of which the Tribe has adopted as the
 756 Seminole Tribal Building Code.

757 5. Ensure adequate emergency access plans have been
 758 prepared to ensure the health and safety of all covered game
 759 patrons.

760 (2) All licenses for members and employees of the
 761 commission shall be issued according to the same standards and
 762 terms applicable to facility employees. The commission's
 763 officers shall be independent of the Tribal gaming operations,
 764 and shall be supervised by and accountable only to the
 765 commission. A commission officer shall be available to the
 766 facility during all hours of operation upon reasonable notice,
 767 and shall have immediate access to any and all areas of the
 768 facility for the purpose of ensuring compliance with the
 769 provisions of this compact. The commission shall investigate any
 770 suspected or reported violation of this part and shall
 771 officially enter into its files timely written reports of
 772 investigations and any action taken thereon, and shall forward
 773 copies of such investigative reports to the state compliance
 774 agency within 30 calendar days after such filing. The scope of
 775 such reporting shall be determined by the commission and the

776 state compliance agency as soon as practicable after the
 777 effective date of this compact. Any such violations shall be
 778 reported immediately to the commission, and the commission shall
 779 immediately forward such reports to the state compliance agency.
 780 In addition, the commission shall promptly report to the state
 781 compliance agency any such violations which it independently
 782 discovers.

783 (3) In order to develop and foster a positive and
 784 effective relationship in the enforcement of the provisions of
 785 this compact, representatives of the commission and the state
 786 compliance agency shall meet at least annually to review past
 787 practices and examine methods to improve the regulatory scheme
 788 created by this compact. The meetings shall take place at a
 789 location mutually agreed upon by the commission and the state
 790 compliance agency. The state compliance agency, before or during
 791 such meetings, shall disclose to the commission any concerns,
 792 suspected activities, or pending matters reasonably believed to
 793 constitute violations of the compact by any person,
 794 organization, or entity, if such disclosure will not compromise
 795 the interest sought to be protected.

797 PART VIII

799 STATE MONITORING OF COMPACT.—

800 (1) It is the express intent of the Tribe and the state

801 for the Tribe to regulate its own gaming activities.
 802 Notwithstanding, the state shall conduct random inspections as
 803 provided for in this part to ensure that the Tribe is operating
 804 in accordance with the terms of the compact. The state may
 805 secure an annual independent audit of the conduct of covered
 806 games subject to this compact and the Tribe shall cooperate with
 807 such audit. The audit shall:
 808 (a) Examine the covered games operated by the Tribe to
 809 ensure compliance with the Tribe's Internal Control Policies and
 810 Procedures and any other standards, policies, or procedures
 811 adopted by the Tribe, the commission, or the National Indian
 812 Gaming Commission which govern the play of covered games.
 813 (b) Examine revenues in connection with the conduct of
 814 covered games and include only those matters necessary to verify
 815 the determination of net win and the basis and amount of the
 816 payments the Tribe is required to make to the state pursuant to
 817 Part XI and as defined by this compact.
 818 (2) A copy of the audit report for the conduct of covered
 819 games shall be submitted to the commission and the state
 820 compliance agency within 30 calendar days after completion.
 821 Representatives of the state compliance agency may, upon
 822 request, meet with the Tribe and its auditors to discuss the
 823 audit or any matters in connection therewith; provided that such
 824 discussions are limited to covered games information. The annual
 825 independent audit shall be performed by an independent firm

826 selected by the state which has experience in auditing casino
 827 operations, subject to the consent of the Tribe, which shall not
 828 be unreasonably withheld. The Tribe shall pay for the cost of
 829 the annual independent audit.

830 (3) As provided herein, the state compliance agency may
 831 monitor the conduct of covered games to ensure that the covered
 832 games are conducted in compliance with the provisions of this
 833 compact. In order to properly monitor the conduct of covered
 834 games, agents of the state compliance agency shall have
 835 reasonable access, without prior notice, to all public areas of
 836 the facilities related to the conduct of covered games.

837 (a) The state compliance agency may review whether the
 838 Tribe's facilities are in compliance with the provisions of this
 839 compact and the Tribe's rules and regulations applicable to
 840 covered games and may advise on such issues as it deems
 841 appropriate. In the event of a dispute or disagreement between
 842 Tribal and state compliance agency regulators, the dispute or
 843 disagreement shall be resolved in accordance with the dispute
 844 resolution provisions of Part XIII.

845 (b) In order to fulfill its oversight responsibilities,
 846 the state compliance agency may perform on a routine basis
 847 specific oversight testing procedures as set forth in paragraph

848 (c).

849 (c)1. The state compliance agency may inspect any covered
 850 games in operation at the facilities on a random basis, provided

851 that such inspections may not exceed one inspection per facility
 852 per calendar month and the inspection may not exceed ten hours
 853 spread over those two consecutive days, unless the state
 854 compliance agency determines that additional inspection hours
 855 are needed to address the issues of substantial noncompliance,
 856 provided that the state compliance agency provides the Tribe
 857 with written notification of the need for additional inspection
 858 hours and a written summary of the substantial noncompliance
 859 issues that need to be addressed during the additional
 860 inspection hours. The total number of hours of random
 861 inspections and audit reviews per year may not exceed 1,200
 862 hours. Inspection hours shall be calculated on the basis of the
 863 actual amount of time spent by the state compliance agency
 864 conducting the inspections at a facility, without accounting for
 865 a multiple for the number of state compliance agency inspectors
 866 or agents engaged in the inspection activities. The purpose of
 867 the random inspections is to confirm that the covered games
 868 function properly pursuant to the manufacturer's technical
 869 standards and are conducted in compliance with the Tribe's
 870 Internal Control Policies and Procedures and any other
 871 standards, policies, or procedures adopted by the Tribe, the
 872 commission, or the National Indian Gaming Commission which
 873 govern the play of covered games. The state compliance agency
 874 shall provide notice to the commission of such inspection at or
 875 before the commencement of a random inspection and a commission

876 agent may accompany the inspection.

877 2. For each facility, the state compliance agency may
 878 perform one annual review of the Tribe's slot machine compliance
 879 audit.

880 3. At least annually, the state compliance agency may meet
 881 with the Tribe's Internal Audit Department for Gaming to review
 882 internal controls and the record of violations for each
 883 facility.

884 (d) The state compliance agency shall cooperate with and
 885 obtain the assistance of the commission in the resolution of any
 886 conflicts in the management of the facilities, and the state and
 887 the Tribe shall make their best efforts to resolve disputes
 888 through negotiation whenever possible. Therefore, to foster a
 889 spirit of cooperation and efficiency, the state compliance
 890 agency and Tribe shall resolve disputes between the state
 891 compliance agency staff and commission regulators about the day-
 892 to-day regulation of the facilities through meeting and
 893 conferring in good faith. Notwithstanding, the parties may seek
 894 other relief that may be available when circumstances require
 895 such relief. In the event of a dispute or disagreement between
 896 tribal and state compliance agency regulators, the dispute or
 897 disagreement shall be resolved in accordance with the dispute
 898 resolution provisions of Part XIII.

899 (e) The state compliance agency shall have access to each
 900 facility during the facility's operating hours only. No advance

901 notice is required when the state compliance agency inspection
 902 is limited to public areas of the facility; however,
 903 representatives of the state compliance agency shall provide
 904 notice and photographic identification to the commission of
 905 their presence before beginning any such inspections.

906 (f) The state compliance agency agents, to ensure that a
 907 commission officer is available to accompany the state
 908 compliance agency agents at all times, shall provide one hour
 909 notice and photographic identification to the commission before
 910 entering any nonpublic area of a facility. Agents of the state
 911 compliance agency shall be accompanied in nonpublic areas of the
 912 facility by a commission officer.

913 (g) Any suspected or claimed violations of this compact or
 914 law shall be directed in writing to the commission. The state
 915 compliance agency, in conducting the functions assigned them
 916 under this compact, shall not unreasonably interfere with the
 917 functioning of any facility.

918 (4) Subject to the provisions herein, the state compliance
 919 agency may review and request copies of documents of the
 920 facility related to its conduct of covered games during normal
 921 business hours unless otherwise allowed by the Tribe. The Tribe
 922 may not refuse said inspection and copying of such documents,
 923 provided that the inspectors do not require copies of documents
 924 in such volume that it unreasonably interferes with the normal
 925 functioning of the facilities or covered games. To the extent

926 that the Tribe provides the state with information that the
 927 Tribe claims to be confidential and proprietary, or a trade
 928 secret, the Tribe shall clearly mark such information with the
 929 following designation: "Trade Secret, Confidential, and
 930 Proprietary." If the state receives a request under chapter 119
 931 that would include such designated information, the state shall
 932 promptly notify the Tribe of such a request and the Tribe shall
 933 promptly notify the state about its intent to seek judicial
 934 protection from disclosure. Upon such notice from the Tribe, the
 935 state may not release the requested information until a judicial
 936 determination is made. This designation and notification
 937 procedure does not excuse the state from complying with the
 938 requirements of the state's public records law, but is intended
 939 to provide the Tribe the opportunity to seek whatever judicial
 940 remedy it deems appropriate. Notwithstanding the foregoing
 941 procedure, the state compliance agency may provide copies of
 942 tribal documents to federal law enforcement and other state
 943 agencies or state consultants that the state deems reasonably
 944 necessary in order to conduct or complete any investigation of
 945 suspected criminal activity in connection with the Tribe's
 946 covered games or the operation of the facilities or in order to
 947 assure the Tribe's compliance with this compact.

948 (5) At the completion of any state compliance agency
 949 inspection or investigation, the state compliance agency shall
 950 forward any written report thereof to the commission, containing

951 all pertinent, nonconfidential, nonproprietary information
 952 regarding any violation of applicable laws or this compact which
 953 was discovered during the inspection or investigation unless
 954 disclosure thereof would adversely impact an investigation of
 955 suspected criminal activity. Nothing herein prevents the state
 956 compliance agency from contacting tribal or federal law
 957 enforcement authorities for suspected criminal wrongdoing
 958 involving the commission.

959 (6) Except as expressly provided in this compact, nothing
 960 in this compact shall be deemed to authorize the state to
 961 regulate the Tribe's government, including the commission, or to
 962 interfere in any way with the Tribe's selection of its
 963 governmental officers, including members of the commission.

964
 965 PART IX
 966

967 JURISDICTION.—The obligations and rights of the state and
 968 the Tribe under this compact are contractual in nature and are
 969 to be construed in accordance with the laws of the state. This
 970 compact does not alter tribal, federal, or state civil
 971 adjudicatory or criminal jurisdiction in any way.

972
 973 PART X
 974

975 LICENSING.—The Tribe and the commission shall comply with

976 the licensing and hearing requirements set forth in 25 C.F.R.
 977 parts 556 and 558, as well as the applicable licensing and
 978 hearing requirements set forth in Articles IV, V, and VI of the
 979 Seminole Tribal Gaming Code. The commission shall notify the
 980 state compliance agency of any disciplinary hearings or
 981 revocation or suspension of licenses.

982
 983 PART XI

984
 985 PAYMENTS TO THE STATE OF FLORIDA.-

986 (1) The parties acknowledge and recognize that this
 987 compact provides the Tribe with partial but substantial
 988 exclusivity and other valuable consideration consistent with the
 989 goals of the Indian Gaming Regulatory Act, including special
 990 opportunities for tribal economic development through gaming
 991 within the external boundaries of the state with respect to the
 992 play of covered games. In consideration thereof, the Tribe
 993 covenants and agrees, subject to the conditions agreed upon in
 994 Part XII, to make payments to the state derived from net win as
 995 set forth in subsections (2) and (7). The Tribe further agrees
 996 that it will not purchase or lease any new Class II video bingo
 997 terminals or their equivalents for use at its facilities after
 998 the effective date of this compact.

999 (2) The Tribe shall make periodic revenue share payments
 1000 to the state derived from net win as set forth in this

1001 subsection, and any such payments shall be made to the state via
 1002 electronic funds transfer. Of the amounts paid by the Tribe to
 1003 the state, three percent shall be distributed to local
 1004 governments, including both counties and municipalities, in the
 1005 state affected by the Tribe's operation of covered games. Of the
 1006 remaining amounts paid by the Tribe to the state, one-third
 1007 shall be allocated to K-12 teacher recruitment and retention
 1008 bonuses, one-third shall be allocated to schools that serve
 1009 students from persistently failing schools, and one-third shall
 1010 be allocated to higher education institutions to recruit and
 1011 retain distinguished faculty. If the Florida Legislature fails
 1012 to allocate the amounts to the specified educational purposes in
 1013 the precise manner and amounts set forth in this subsection, all
 1014 further payments due to the state pursuant to subsections (2)
 1015 and (7) shall cease, until such time as such allocations are
 1016 made, in which event the payments shall resume. Payments shall
 1017 be due in accordance with the payment schedule set forth in
 1018 paragraph (a).

1019 (a) Revenue share payments by the Tribe to the state shall
 1020 be calculated as follows:

1021 1. During the initial payment period, the Tribe agrees to
 1022 pay the state a revenue share payment in accordance with this
 1023 subparagraph.

1024 a. 13 percent of all amounts up to \$2 billion of net win
 1025 received by the Tribe from the operation and play of covered

1026 games during each revenue sharing cycle;
 1027 b. 17.5 percent of all amounts greater than \$2 billion up
 1028 to and including \$3.5 billion of net win received by the Tribe
 1029 from the operation and play of covered games during each revenue
 1030 sharing cycle;
 1031 c. 20 percent of all amounts greater than \$3.5 billion up
 1032 to and including \$4 billion of net win received by the Tribe
 1033 from the operation and play of covered games during each revenue
 1034 sharing cycle;
 1035 d. 22.5 percent of all amounts greater than \$4 billion up
 1036 to and including \$4.5 billion of net win received by the Tribe
 1037 from the operation and play of covered games during each revenue
 1038 sharing cycle; or
 1039 e. 25 percent of all amounts greater than \$4.5 billion of
 1040 net win received by the Tribe from the operation and play of
 1041 covered games during each revenue sharing cycle.
 1042 2. During the guarantee payment period, the Tribe agrees
 1043 to make fixed payments in accordance with this subparagraph. In
 1044 addition, within 90 days after the end of the guarantee payment
 1045 period, the Tribe shall make an additional payment to the state
 1046 equal to the amount above \$3 billion, if any, that would have
 1047 been owed by the Tribe to the state had the percentages set
 1048 forth in subparagraph 3. been applicable during the guarantee
 1049 payment period.
 1050 a. A payment of \$325 million during the first revenue

1051 sharing cycle;
 1052 b. A payment of \$350 million during the second revenue
 1053 sharing cycle;
 1054 c. A payment of \$375 million during the third revenue
 1055 sharing cycle;
 1056 d. A payment of \$425 million during the fourth revenue
 1057 sharing cycle;
 1058 e. A payment of \$475 million during the fifth revenue
 1059 sharing cycle;
 1060 f. A payment of \$500 million during the sixth revenue
 1061 sharing cycle; and
 1062 g. A payment of \$550 million during the seventh revenue
 1063 sharing cycle.
 1064 3. During the regular payment period, the Tribe agrees to
 1065 pay a revenue share payment, for each revenue sharing cycle, to
 1066 the state equal to the amount calculated in accordance with this
 1067 subparagraph.
 1068 a. 13 percent of all amounts up to \$2 billion of net win
 1069 received by the Tribe from the operation and play of covered
 1070 games during each revenue sharing cycle;
 1071 b. 17.5 percent of all amounts greater than \$2 billion up
 1072 to and including \$3.5 billion of net win received by the Tribe
 1073 from the operation and play of covered games during each revenue
 1074 sharing cycle;
 1075 c. 20 percent of all amounts greater than \$3.5 billion up

1076 to and including \$4 billion of net win received by the Tribe
 1077 from the operation and play of covered games during each revenue
 1078 sharing cycle;

1079 d. 22.5 percent of all amounts greater than \$4 billion up
 1080 to and including \$4.5 billion of net win received by the Tribe
 1081 from the operation and play of covered games during each revenue
 1082 sharing cycle; or

1083 e. 25 percent of all amounts greater than \$4.5 billion of
 1084 net win received by the Tribe from the operation and play of
 1085 covered games during each revenue sharing cycle.

1086 (3) The Tribe shall remit monthly payments as follows:

1087 (a) On or before the 15th day of the month following each
 1088 month of the revenue sharing cycle, the Tribe will remit to the
 1089 state or its assignee the monthly payment. For purposes of this
 1090 section, the monthly payment shall be 8.3 percent of the
 1091 estimated revenue share payment to be paid by the Tribe during
 1092 such revenue sharing cycle.

1093 (b) The Tribe shall make available to the state at the
 1094 time of the monthly payment the basis for the calculation of the
 1095 payment.

1096 (c) The Tribe shall, on a monthly basis, reconcile the
 1097 calculation of the estimated revenue share payment based on the
 1098 Tribe's unaudited financial statements related to covered games.

1099 (4) The Tribe shall have an audit conducted as follows:

1100 (a) On or before the 45th day after the third month, sixth

1101 month, ninth month, and twelfth month of each revenue sharing
 1102 cycle, provided that the 12-month period does not coincide with
 1103 the Tribe's fiscal year end date as indicated in paragraph (c),
 1104 the Tribe shall provide the state with an audit report by its
 1105 independent auditors as to the annual revenue share calculation.

1106 (b) For each quarter within revenue sharing cycle, the
 1107 Tribe shall engage its independent auditors to conduct a review
 1108 of the unaudited net revenue from covered games. On or before
 1109 the 120th day after the end of the Tribe's fiscal year, the
 1110 Tribe shall require its independent auditors to provide an audit
 1111 report with respect to net win for covered games and the related
 1112 payment of the annual revenue share.

1113 (c) If the twelfth month of the revenue sharing cycle does
 1114 not coincide with the Tribe's fiscal year, the Tribe shall
 1115 deduct net win from covered games for any of the months outside
 1116 of the revenue sharing cycle and include net win from covered
 1117 games for those months outside of the Tribe's audit period but
 1118 within the revenue sharing cycle, before issuing the audit
 1119 report.

1120 (d) No later than 30 calendar days after the day the audit
 1121 report is issued, the Tribe shall remit to the state any
 1122 underpayment of the annual revenue share, and the state shall
 1123 either reimburse to the Tribe any overpayment of the annual
 1124 revenue share or authorize the overpayment to be deducted from
 1125 the next successive monthly payment or payments.

1126 (5) If, after any change in state law to affirmatively
 1127 allow internet or online gaming, or any functionally equivalent
 1128 remote gaming system that permits a person to play from home or
 1129 any other location that is remote from a casino or other
 1130 commercial gaming facility, the Tribe's net win from the
 1131 operation of covered games at all of its facilities combined
 1132 drops more than five percent below its net win from the previous
 1133 12-month period, the Tribe shall no longer be required to make
 1134 payments to the state based on the guaranteed minimum compact
 1135 term payment and shall not be required to make the guaranteed
 1136 minimum compact term payment. However, the Tribe shall continue
 1137 to make payments based on the percentage revenue share amount.
 1138 The Tribe shall resume making the guaranteed minimum compact
 1139 term payment for any subsequent revenue sharing cycle in which
 1140 its net win rises above the level described in this subsection.
 1141 This subsection does not apply if:
 1142 (a) The decline in net win is due to acts of God, war,
 1143 terrorism, fires, floods, or accidents causing damage to or
 1144 destruction of one or more of its facilities or property
 1145 necessary to operate the facility of facilities; or
 1146 (b) The Tribe offers internet or online gaming or any
 1147 functionally equivalent remote gaming system that permits a
 1148 person to game from home or any other location that is remote
 1149 from any of the Tribe's facilities, as authorized by law.
 1150 (6) The annual oversight assessment, which shall not

1151 exceed \$250,000 per year, indexed for inflation as determined by
 1152 the Consumer Price Index, shall be determined and paid in
 1153 quarterly installments within 30 calendar days after receipt by
 1154 the Tribe of an invoice from the state compliance agency. The
 1155 Tribe reserves the right to audit the invoices on an annual
 1156 basis, a copy of which will be provided to the state compliance
 1157 agency, and any discrepancies found therein shall be reconciled
 1158 within 45 calendar days after receipt of the audit by the state
 1159 compliance agency.

1160 (7) The Tribe shall make an annual donation to the Florida
 1161 Council on Compulsive Gaming as an assignee of the state in an
 1162 amount not less than \$250,000 per facility.

1163 (8) In accordance with the Tribe's previous and continued
 1164 conduct of Class III gaming pursuant to the previously existing
 1165 compact, the Tribe shall continue to pay the state \$19.5 million
 1166 on or before the 15th day of the month following each month that
 1167 the Tribe conducts Class III gaming before the effective date of
 1168 this compact.

1169 (9) On the effective date of this compact, any moneys
 1170 remitted by the Tribe before the effective date of this compact
 1171 shall be released to the state without further obligation or
 1172 encumbrance.

1173 (10) Except as expressly provided in this part, nothing in
 1174 this compact shall be deemed to require the Tribe to make
 1175 payments of any kind to the state or any of its agencies.

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PART XII

REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY
OR OTHER CHANGES IN STATE LAW.—The intent of this compact is to
provide the Tribe with the right to operate covered games on an
exclusive basis throughout the state, subject to the exceptions
and provisions in this part.

(1) For purposes of this subsection, the terms "Class III
gaming" or "other casino-style gaming" include, but are not
limited to, slot machines, electronically assisted bingo or
electronically assisted pull-tab games, noncard table games,
video lottery terminals, or any similar games, whether or not
such games are determined through the use of a random number
generator.

(a) If, after February 1, 2017, state law is amended,
implemented, or interpreted to allow the operation of Class III
gaming or other casino-style gaming at any location under the
jurisdiction of the state that was not in operation as of
February 1, 2017, or a new form of Class III gaming or other
casino-style gaming that was not in operation as of February 1,
2017, and such gaming is offered to the public as a result of
the amendment, implementation, or interpretation, the Tribe, no
fewer than 30 days after the commencement of such new gaming or
90 days after the state's receipt of written notice from the

1201 Tribe pursuant to subsection (b), whichever occurs later, may
 1202 elect to begin making the affected portion of its payments due
 1203 to the state pursuant to subsections (2) and (7) of Part XI,
 1204 into an escrow account.

1205 (b) In order to exercise the provisions of paragraph (a),
 1206 the Tribe must first notify the state, within 90 days after such
 1207 amendment, implementation, or interpretation of state law, of
 1208 the Tribe's objections to such action or interpretation and
 1209 further specify the basis for the Tribe's contention that such
 1210 action or interpretation infringes upon the substantial
 1211 exclusivity afforded under this compact. As part of its written
 1212 notice, the Tribe must also indicate, if applicable, its
 1213 intention to begin making the affected portion of its payments
 1214 due to the state into an escrow account.

1215 (c) Upon receipt of written notice from the Tribe, the
 1216 state may elect to:

1217 1. Invoke the dispute resolution provisions of Part XIII
 1218 to determine whether the Tribe's contention is well-founded. In
 1219 such proceeding, the Tribe carries the burden of proof and
 1220 persuasion. The pendency of such proceeding tolls the time
 1221 periods set forth in paragraph (1)(a) of Part XI for the
 1222 duration of the dispute or litigation; or

1223 2. Seek through enforcement action, legislation, or other
 1224 means to stop the conduct of such new games.

1225 (d)1. If, within 15 months following the state's receipt

1226 of written notice from the Tribe, the Tribe's contention is
 1227 deemed not to be well-founded at the conclusion of dispute
 1228 resolution or new gaming is made illegal and is halted, then all
 1229 funds being held in the escrow account shall be released to the
 1230 state and all further payments due to the state pursuant to
 1231 subsections (2) and (7) of Part XI shall promptly resume.

1232 2. If, after 15 months following the state's receipt of
 1233 written notice from the Tribe, the Tribe's contention is deemed
 1234 to be well-founded at the conclusion of dispute resolution and
 1235 such gaming is not made illegal and halted, then all funds being
 1236 held in escrow shall be returned to the Tribe and all further
 1237 payments due to the state pursuant to subsections (2) and (7) of
 1238 Part XI shall cease or be reduced as provided in subsection (2)
 1239 until such gaming is no longer operated, in which event the
 1240 payments shall promptly resume.

1241 (2) The following are exceptions to the exclusivity
 1242 provisions of subsection (1):

1243 (a) Any Class III gaming authorized by a compact between
 1244 the state and any other federally recognized tribe pursuant to
 1245 Indian Gaming Regulatory Act, provided that the tribe has land
 1246 in federal trust in the state as of February 1, 2017.

1247 (b) The operation of slot machines, which does not include
 1248 any game played with tangible playing cards, at each of the four
 1249 currently operating licensed pari-mutuel facilities in Broward
 1250 County and the four currently operating licensed pari-mutuel

1251 facilities in Miami-Dade County, whether or not currently
 1252 operating slot machines, provided that such licenses are not
 1253 transferred or otherwise used to move or operate such slot
 1254 machines at any other location.

1255 (c)1. If state law is amended to allow for the play of any
 1256 additional type of Class III or other casino-style gaming at any
 1257 of the presently operating licensed pari-mutuel facilities in
 1258 Broward and Miami-Dade Counties, the Tribe may be entitled to a
 1259 reduction in the revenue sharing payment as described in
 1260 subparagraph 2.

1261 2. If the Tribe's annual net win from its facilities
 1262 located in Broward County for the 12 month period after the
 1263 gaming specified in subparagraph 1. begins to be offered for
 1264 public or private use is less than the net revenue base, the
 1265 revenue share payments due to the state, pursuant to
 1266 subparagraph (2)(a)2. of Part XI, for the next revenue sharing
 1267 cycle and future revenue sharing cycles shall be calculated by
 1268 reducing the Tribe's payment on revenue generated from its
 1269 facilities in Broward County by 50 percent of that reduction in
 1270 annual net win from its facilities in Broward County. This
 1271 paragraph does not apply if the decline in net win is due to
 1272 acts of God, war, terrorism, fires, floods, or accidents causing
 1273 damage to or destruction of one or more of its facilities or
 1274 property necessary to operate the facility or facilities.

1275 3. If the Tribe's annual net win from its facilities

1276 located in Broward County subsequently equals or exceeds the net
 1277 revenue base, then the Tribe's payments due to the state
 1278 pursuant to subparagraph (2)(a)2. of Part XI shall again be
 1279 calculated without any reduction, but may be reduced again under
 1280 the provisions set forth in subparagraph 2.

1281 (d) If state law is amended to allow the play of Class III
 1282 gaming or other casino-style gaming, as defined in this part, at
 1283 any location in Miami-Dade County or Broward County under the
 1284 jurisdiction of the state that is not presently licensed for the
 1285 play of such games at such locations, other than those
 1286 facilities set forth in paragraph (c) and this paragraph, and
 1287 such games were not in play as of February 1, 2017, and such
 1288 gaming begins to be offered for public or private use, the
 1289 payments due the state pursuant to subparagraph (c)2., shall be
 1290 calculated by excluding the net win from the Tribe's facilities
 1291 in Broward County.

1292 (e) The operation of a combined total of not more than 350
 1293 historic racing machines, connected to a central server at that
 1294 facility, and electronic bingo machines at each pari-mutuel
 1295 facility licensed as of February 1, 2017, and not located in
 1296 either Broward County or Miami-Dade County.

1297 (f) The operation of pari-mutuel wagering activities at
 1298 pari-mutuel facilities licensed by the state, provided such
 1299 facilities annually conduct a full schedule of live races or
 1300 games in a manner that would comply with the Florida Statutes in

1301 effect as of February 1, 2017.

1302 (g) The operation of poker, including no-limit poker but
 1303 excluding any game involving a bank, at card rooms licensed by
 1304 the state; provided all such card rooms are located at pari-
 1305 mutuel facilities that annually conduct a certain number of live
 1306 performances in a manner that would comply with cardroom license
 1307 renewal requirements set forth in the Florida Statutes in effect
 1308 as of February 1, 2017.

1309 (h) The operation by the Department of the Lottery of
 1310 those types of lottery games authorized under chapter 24 as of
 1311 February 1, 2017, but not including any player-activated or
 1312 operated machine or device other than a lottery vending machine
 1313 or any banked or banking card or table game. However, not more
 1314 than ten lottery vending machines may be installed at any
 1315 facility or location and no lottery vending machine that
 1316 dispenses electronic instant tickets may be installed at any
 1317 licensed pari-mutuel facility.

1318 (i) The operation of games authorized by chapter 849 as of
 1319 February 1, 2017, which does not authorize any card game in
 1320 which any person, operator, or other party serves as a bank,
 1321 paying all winners and collecting from all losers.

1322 (3) To the extent that the exclusivity provisions of this
 1323 part are breached or otherwise violated and the Tribe's ongoing
 1324 payment obligations to the state pursuant to subsections (2) and
 1325 (7) of Part XI cease, any outstanding payments that would have

1326 been due the state from the Tribe's facilities before the breach
 1327 or violation shall be made within 30 business days after the
 1328 breach or violation.

1329 (4) The breach of this part's exclusivity provisions and
 1330 the cessation of payments pursuant to subsections (2) and (7) of
 1331 Part XI shall not excuse the Tribe from continuing to comply
 1332 with all other provisions of this compact, including continuing
 1333 to pay the state the annual oversight assessment as set forth in
 1334 subsection (3) of Part XI.

1335
 1336 PART XIII
 1337

1338 DISPUTE RESOLUTION.—In the event that the Tribe or State
 1339 believes that the other party has failed to comply with any
 1340 requirements of this compact, or in the event of any dispute
 1341 hereunder, including, but not limited to, a dispute over the
 1342 proper interpretation of the terms and conditions of this
 1343 compact, the goal of the parties is to resolve all disputes
 1344 amicably and voluntarily whenever possible. In pursuit of this
 1345 goal, the following procedures may be invoked:

1346 (1) A party asserting noncompliance or seeking an
 1347 interpretation of this compact first shall serve written notice
 1348 on the other party. The notice shall identify the specific
 1349 compact provision alleged to have been violated or in dispute
 1350 and shall specify in detail the asserting party's contention and

1351 any factual basis for the claim. Representatives of the Tribe
 1352 and state shall meet within 30 calendar days after receipt of
 1353 notice in an effort to resolve the dispute, unless they mutually
 1354 agree to extend this period.

1355 (2) A party asserting noncompliance or seeking an
 1356 interpretation of this compact under this part shall be deemed
 1357 to have certified that to the best of the party's knowledge,
 1358 information, and belief formed after reasonable inquiry, the
 1359 claim of noncompliance or the request for interpretation of this
 1360 compact is warranted and made in good faith and not for any
 1361 improper purpose, such as to harass or to cause unnecessary
 1362 delay or the needless incurring of the cost of resolving the
 1363 dispute.

1364 (3) If the parties are unable to resolve a dispute through
 1365 the process specified in subsections (1) and (2), either party
 1366 may call for mediation under the Commercial Mediation Procedures
 1367 of the American Arbitration Association or any successor
 1368 procedures, provided that such mediation does not last more than
 1369 60 calendar days, unless an extension to this time limit is
 1370 negotiated by the parties. Only matters arising under the terms
 1371 of this compact may be available for resolution through
 1372 mediation. If the parties are unable to resolve a dispute
 1373 through the process specified in this part, notwithstanding any
 1374 other provision of law, either party may bring an action in a
 1375 United States District Court having venue regarding a dispute

1376 arising under this compact. If the court declines to exercise
 1377 jurisdiction, or federal precedent exists that holds that the
 1378 court would not have jurisdiction over such a dispute, either
 1379 party may bring the action in the appropriate court of the
 1380 Seventeenth Judicial Circuit in Broward County, Florida. The
 1381 parties are entitled to all rights of appeal permitted by law in
 1382 the court system in which the action is brought.

1383 (4) For purposes of actions based on disputes between the
 1384 state and the Tribe that arise under this compact and the
 1385 enforcement of any judgment resulting from such action, the
 1386 Tribe and the state each expressly waive the right to assert
 1387 sovereign immunity from suit and from enforcement of any ensuing
 1388 judgment, and further consent to be sued in federal or state
 1389 court, including the right of appeal specified above, as the
 1390 case may be, provided that:

1391 (a) The dispute is limited solely to issues arising under
 1392 this compact.

1393 (b) There is no claim for monetary damages, except that
 1394 payment of any money required by the terms of this compact, as
 1395 well as injunctive relief or specific performance enforcing a
 1396 provision of this compact requiring the payment of money to the
 1397 state may be sought.

1398 (c) Nothing herein shall be construed to constitute a
 1399 waiver of the sovereign immunity of the Tribe with respect to
 1400 any third party that is made a party or intervenes as a party to

1401 the action. In the event that intervention, joinder, or other
 1402 participation by any additional party in any action between the
 1403 state and the Tribe would result in the waiver of the Tribe's
 1404 sovereign immunity as to that additional party, the waiver of
 1405 the Tribe may be revoked.

1406 (5) The state may not be precluded from pursuing any
 1407 mediation or judicial remedy against the Tribe on the grounds
 1408 that the state has failed to exhaust its Tribal administrative
 1409 remedies.

1410 (6) Notwithstanding any other provision of this part, any
 1411 failure of the Tribe to remit the payments pursuant to the terms
 1412 of Part XI entitles the state to seek injunctive relief in
 1413 federal or state court, at the state's election, to compel the
 1414 payments after the dispute resolution process in subsections (1)
 1415 and (2) is exhausted.

1417 PART XIV

1418
 1419 CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.--

1420 (1) Each provision of this compact shall stand separate
 1421 and independent of every other provision. In the event that a
 1422 federal district court in Florida or other court of competent
 1423 jurisdiction shall find any provision of this compact to be
 1424 invalid, the remaining provisions shall remain in full force and
 1425 effect, provided that severing the invalidated provision does

1426 not undermine the overall intent of the parties in entering into
 1427 this compact. However, if subsection (6) of Part III, Part XI,
 1428 or Part XII is held by a court of competent jurisdiction to be
 1429 invalid, this compact will become null and void.

1430 (2) It is understood that Part XII, which provides for a
 1431 cessation of the payments to the state under Part XI, does not
 1432 create any duty on the state but only a remedy for the Tribe if
 1433 gaming under state jurisdiction is expanded.

1434 (3) This compact is intended to meet the requirements of
 1435 the Indian Gaming Regulatory Act as it reads on the effective
 1436 date of this compact, and where reference is made to the Indian
 1437 Gaming Regulatory Act, or to an implementing regulation thereof,
 1438 the reference is deemed to have been incorporated into this
 1439 document. Subsequent changes to the Indian Gaming Regulatory Act
 1440 that diminish the rights of the state or Tribe may not be
 1441 applied retroactively to alter the terms of this compact, except
 1442 to the extent that federal law validly mandates that retroactive
 1443 application without the respective consent of the state or the
 1444 Tribe. In the event that a subsequent change in the Indian
 1445 Gaming Regulatory Act, or to an implementing regulation thereof,
 1446 mandates retroactive application without the respective consent
 1447 of the state or the Tribe, the parties agree that this compact
 1448 is voidable by either party if the subsequent change materially
 1449 alters the provisions in the compact relating to the play of
 1450 covered games, revenue sharing payments, suspension or reduction

1451 of payments, or exclusivity.

1452 (4) Neither the presence of language that is not included
 1453 in this compact, nor the absence in this compact of language
 1454 that is present in another state-tribal compact shall be a
 1455 factor in construing the terms of this compact.

1456 (5) The Tribe and the state shall defend the validity of
 1457 this compact.

1458 (6) The parties shall cooperate in seeking approval of
 1459 this compact from the Secretary of the Department of the
 1460 Interior.

1461
 1462 PART XV
 1463

1464 NOTICES.—All notices required under this compact shall be
 1465 given by certified mail, return receipt requested, commercial
 1466 overnight courier service, or personal delivery, to the
 1467 Governor, the President of the Senate, the Speaker of the House
 1468 of Representatives, and the Chairman and General Counsel of the
 1469 Seminole Tribe of Florida.

1470
 1471 PART XVI
 1472

1473 EFFECTIVE DATE AND TERM.—

1474 (1) This compact, if identical to the version ratified by
 1475 the Legislature in s. 285.710(3)(c), Florida Statutes, in 2017,

1476 shall become effective upon its approval as a tribal-state
 1477 compact within the meaning of the Indian Gaming Regulatory Act
 1478 either by action of the Secretary of the Department of the
 1479 Interior or by operation of law under 25 U.S.C. s. 2710(d)(8)
 1480 upon publication of a notice of approval in the Federal Register
 1481 under 25 U.S.C. s. 2710(d)(8)(D).

1482 (2) This compact shall have a term of twenty years
 1483 beginning on the first day of the month following the month in
 1484 which the compact becomes effective under subsection (1).

1485 (3) The Tribe's authorization to offer covered games under
 1486 this compact shall automatically terminate twenty years after
 1487 the effective date unless renewed by an affirmative act of the
 1488 Legislature.

1489

1490 PART XVII

1491

1492 AMENDMENT OF COMPACT AND REFERENCES.—

1493 (1) Amendment of this compact may only be made by written
 1494 agreement of the parties, subject to approval by the Secretary
 1495 of the Department of the Interior, either by publication of the
 1496 notice of approval in the Federal Register or by operation of
 1497 law under 25 U.S.C. s. 2710(d)(8).

1498 (2) Legislative ratification is required for any amendment
 1499 to the compact that alters the provisions relating to covered
 1500 games, the amount of revenue sharing payments, suspension or

1501 reduction in payments, or exclusivity.

1502 (3) Changes in the provisions of tribal ordinances,
 1503 regulations, and procedures referenced in this compact may be
 1504 made by the Tribe with 30 days' advance notice to the state. If
 1505 the state has an objection to any change to the tribal
 1506 ordinance, regulation, or procedure which is the subject of the
 1507 notice on the ground that its adoption would be a violation of
 1508 the Tribe's obligations under this compact, the state may invoke
 1509 the dispute resolution provisions provided in Part XIII.

1511 PART XVIII

1512
 1513 MISCELLANEOUS.—

1514 (1) Except to the extent expressly provided in this
 1515 compact, this compact is not intended to, and shall not be
 1516 construed to, create any right on the part of a third party to
 1517 bring an action to enforce any of its terms.

1518 (2) If, after the effective date of this compact, the
 1519 state enters into a compact with any other Tribe that contains
 1520 more favorable terms with respect to the provisions of this
 1521 Compact and the Secretary of the Department of the Interior
 1522 approves such compact, either by publication of the notice of
 1523 approval in the Federal Register or by operation of law under 25
 1524 U.S.C. s. 2710(d)(8), upon tribal notice to the state and the
 1525 Secretary, this compact shall be deemed amended to contain the

1526 more favorable terms, unless the state objects to the change and
 1527 can demonstrate, in a proceeding commenced under Part XIII, that
 1528 the terms in question are not more favorable.

1529 (3) Upon the occurrence of certain events beyond the
 1530 Tribe's control, including acts of God, war, terrorism, fires,
 1531 floods, or accidents causing damage to or destruction of one or
 1532 more of its facilities or property necessary to operate the
 1533 facility or facilities, the Tribe's obligation to pay the
 1534 guaranteed minimum compact term payment described in Part XI
 1535 shall be reduced pro rata to reflect the percentage of the total
 1536 net win lost to the Tribe from the impacted facility or
 1537 facilities and the net win specified under subsection (2) of
 1538 Part XII for purposes of determining whether the Tribe's
 1539 payments described in Part XI shall cease, shall be reduced pro
 1540 rata to reflect the percentage of the total net win lost to the
 1541 Tribe from the impacted facility or facilities. The foregoing
 1542 shall not excuse any obligations of the Tribe to make payments
 1543 to the state as and when required hereunder or in any related
 1544 document or agreement.

1545 (4) The Tribe and the state recognize that opportunities
 1546 to engage in gaming in smoke-free or reduced-smoke environments
 1547 provides both health and other benefits to patrons, and the
 1548 Tribe has instituted a nonsmoking section at its Seminole Hard
 1549 Rock Hotel & Casino-Hollywood Facility. As part of its
 1550 continuing commitment to this issue, the Tribe shall:

1551 (a) Install and utilize a ventilation system at all new
 1552 construction at its facilities, which system exhausts tobacco
 1553 smoke to the extent reasonably feasible under existing state-of-
 1554 the-art technology.

1555 (b) Designate a smoke-free area for slot machines at all
 1556 new construction at its facilities.

1557 (c) Install nonsmoking, vented tables for table games
 1558 installed in its facilities sufficient to reasonably respond to
 1559 demand for such tables.

1560 (d) Designate a nonsmoking area for gaming within all of
 1561 its facilities within five years after the effective date of the
 1562 compact.

1563 (5) The annual average minimum pay-out of all slot
 1564 machines in each facility may not be less than 85 percent.

1565 (6) Nothing in this compact shall alter any of the
 1566 existing memoranda of understanding, contracts, or other
 1567 agreements entered into between the Tribe and any other federal,
 1568 state, or local governmental entity.

1569 (7) The Tribe currently has, as set forth in its Employee
 1570 Fair Treatment and Dispute Resolution Policy, and agrees to
 1571 maintain, standards that are comparable to the standards
 1572 provided in federal laws and state laws forbidding employers
 1573 from discrimination in connection with the employment of persons
 1574 working at the facilities on the basis of race, color, religion,
 1575 national origin, gender, age, disability, or marital status.

1576 Nothing herein shall preclude the Tribe from giving preference
 1577 in employment, promotion, seniority, lay-offs, or retention to
 1578 members of the Tribe and other federally recognized tribes.

1579 (8) The Tribe shall, with respect to any facility where
 1580 covered games are played, adopt and comply with tribal
 1581 requirements that meet the same minimum state requirements
 1582 applicable to businesses in the state with respect to
 1583 environmental and building standards.

1584
 1585 PART XIX
 1586

1587 EXECUTION.—The Governor of the State of Florida affirms
 1588 that he has authority to act for the state in this matter and
 1589 that, provided that this compact is identical to the compact
 1590 ratified by the Legislature pursuant to s. 285.710(3)(c),
 1591 Florida Statutes, no further action by the state or any state
 1592 official is necessary for this compact to take effect upon
 1593 federal approval by action of the Secretary of the Department of
 1594 the Interior or by operation of law under 25 U.S.C. s.
 1595 2710(d)(8) by publication of the notice of approval in the
 1596 Federal Register. The Governor affirms that he will proceed with
 1597 obtaining such federal approval and take all other appropriate
 1598 action to effectuate the purposes and intent of this Compact.
 1599 The undersigned Chairman of the Tribal Council of the Seminole
 1600 Tribe of Florida affirms that he is duly authorized and has the

1601 authority to execute this Compact on behalf of the Tribe. The
 1602 Chairman also affirms that he will assist in obtaining federal
 1603 approval and take all other appropriate action to effectuate the
 1604 purposes and intent of this Compact.

1605 Section 2. Subsection (4) of section 285.712, Florida
 1606 Statutes, is amended to read:

1607 285.712 Tribal-state gaming compacts.—

1608 (4) Upon execution ~~receipt of an act ratifying~~ a tribal-
 1609 state compact entered pursuant to s. 285.710(3)(b), the Governor
 1610 shall provide a copy to the Secretary of State who shall forward
 1611 a copy of the executed compact and the ratifying act to the
 1612 United States Secretary of the Interior for his or her review
 1613 and approval, in accordance with 25 U.S.C. s. 2710(d)(8)
 1614 ~~2710(8)(d)~~.

1615 Section 3. Subsections (9), (11), (13), and (14) of
 1616 section 550.054, Florida Statutes, are amended to read:

1617 550.054 Application for permit to conduct pari-mutuel
 1618 wagering.—

1619 (9)(a) After a permit has been granted by the division and
 1620 has been ratified and approved by the majority of the electors
 1621 participating in the election in the county designated in the
 1622 permit, the division shall grant to the lawful permitholder,
 1623 subject to the conditions of this chapter, a license to conduct
 1624 pari-mutuel operations under this chapter, and, except as
 1625 provided in s. 550.5251, the division shall fix annually the

1626 time, place, and number of days during which pari-mutuel
 1627 operations may be conducted by the permitholder at the location
 1628 fixed in the permit and ratified in the election. After the
 1629 first license has been issued to the holder of a ratified permit
 1630 for racing in any county, all subsequent annual applications for
 1631 a license by that permitholder must be accompanied by proof, in
 1632 such form as the division requires, that the ratified
 1633 permitholder still possesses all the qualifications prescribed
 1634 by this chapter and that the permit has not been recalled at a
 1635 later election held in the county.

1636 (b) The division may revoke or suspend any permit or
 1637 license issued under this chapter upon a ~~the~~ willful violation
 1638 by the permitholder or licensee ~~of any provision of chapter 551,~~
 1639 chapter 849, or this chapter or rules of any rule adopted
 1640 pursuant to those chapters under this chapter. With the
 1641 exception of the revocation of permits required in paragraphs
 1642 (c) and (f) In lieu of suspending or revoking a permit or
 1643 license, the division, in lieu of suspending or revoking a
 1644 permit or license, may impose a civil penalty against the
 1645 permitholder or licensee for a violation of this chapter or
 1646 rules adopted pursuant thereto ~~any rule adopted by the division.~~
 1647 The penalty so imposed may not exceed \$1,000 for each count or
 1648 separate offense. All penalties imposed and collected must be
 1649 deposited with the Chief Financial Officer to the credit of the
 1650 General Revenue Fund.

1651 (c)1. The division shall revoke the permit of any
 1652 permitholder that fails to make payments due pursuant to chapter
 1653 550, chapter 551, or s. 849.086 for more than 24 consecutive
 1654 months unless such failure was the direct result of fire,
 1655 strike, war, or other disaster or event beyond the
 1656 permitholder's control. Financial hardship to the permitholder
 1657 does not, in and of itself, constitute just cause for failure to
 1658 make payments.

1659 2. The division shall revoke the permit of any
 1660 permitholder that has not obtained an operating license in
 1661 accordance with s. 550.01215 for a period of more than 24
 1662 consecutive months after June 30, 2012. The division shall
 1663 revoke the permit upon adequate notice to the permitholder.
 1664 Financial hardship to the permitholder does not, in and of
 1665 itself, constitute just cause for failure to operate.

1666 (d) A new permit to conduct pari-mutuel wagering may not
 1667 be approved or issued after January 1, 2017.

1668 (e) A permit revoked under this subsection is void and may
 1669 not be reissued.

1670 (11) (a) A permit granted under this chapter may not be
 1671 transferred or assigned except upon written approval by the
 1672 division pursuant to s. 550.1815, ~~except that the holder of any~~
 1673 ~~permit that has been converted to a jai alai permit may lease or~~
 1674 ~~build anywhere within the county in which its permit is located.~~

1675 (13) ~~(a)~~ Notwithstanding any provision ~~provisions~~ of this

1676 chapter or chapter 551, a pari-mutuel ~~no thoroughbred horse~~
 1677 ~~racetrack~~ permit or license issued under this chapter may not ~~shall~~
 1678 be transferred, ~~or reissued when such reissuance is in the~~
 1679 ~~nature of a transfer so as to permit or authorize a licensee to~~
 1680 ~~change the location of a thoroughbred horse racetrack except~~
 1681 ~~upon proof in such form as the division may prescribe that a~~
 1682 ~~referendum election has been held.~~

1683 1. ~~If the proposed new location is within the same county~~
 1684 ~~as the already licensed location, in the county where the~~
 1685 ~~licensee desires to conduct the race meeting and that a majority~~
 1686 ~~of the electors voting on that question in such election voted~~
 1687 ~~in favor of the transfer of such license.~~

1688 2. ~~If the proposed new location is not within the same~~
 1689 ~~county as the already licensed location, in the county where the~~
 1690 ~~licensee desires to conduct the race meeting and in the county~~
 1691 ~~where the licensee is already licensed to conduct the race~~
 1692 ~~meeting and that a majority of the electors voting on that~~
 1693 ~~question in each such election voted in favor of the transfer of~~
 1694 ~~such license.~~

1695 ~~(b) Each referendum held under the provisions of this~~
 1696 ~~subsection shall be held in accordance with the electoral~~
 1697 ~~procedures for ratification of permits, as provided in s.~~
 1698 ~~550.0651. The expense of each such referendum shall be borne by~~
 1699 ~~the licensee requesting the transfer.~~

1700 (14)(a) Notwithstanding any other provision of law, a

1701 pari-mutuel permit, cardroom, or slot machine facility may not
 1702 be relocated, and a pari-mutuel permit may not be converted to
 1703 another class of permit. Any holder of a permit to conduct jai
 1704 alai may apply to the division to convert such permit to a
 1705 permit to conduct greyhound racing in lieu of jai alai if:
 1706 1. ~~Such permit is located in a county in which the~~
 1707 ~~division has issued only two pari-mutuel permits pursuant to~~
 1708 ~~this section;~~
 1709 2. ~~Such permit was not previously converted from any other~~
 1710 ~~class of permit; and~~
 1711 3. ~~The holder of the permit has not conducted jai alai~~
 1712 ~~games during a period of 10 years immediately preceding his or~~
 1713 ~~her application for conversion under this subsection.~~
 1714 (b) ~~The division, upon application from the holder of a~~
 1715 ~~jai alai permit meeting all conditions of this section, shall~~
 1716 ~~convert the permit and shall issue to the permitholder a permit~~
 1717 ~~to conduct greyhound racing. A permitholder of a permit~~
 1718 ~~converted under this section shall be required to apply for and~~
 1719 ~~conduct a full schedule of live racing each fiscal year to be~~
 1720 ~~eligible for any tax credit provided by this chapter. The holder~~
 1721 ~~of a permit converted pursuant to this subsection or any holder~~
 1722 ~~of a permit to conduct greyhound racing located in a county in~~
 1723 ~~which it is the only permit issued pursuant to this section who~~
 1724 ~~operates at a leased facility pursuant to s. 550.475 may move~~
 1725 ~~the location for which the permit has been issued to another~~

1726 ~~location within a 30-mile radius of the location fixed in the~~
 1727 ~~permit issued in that county, provided the move does not cross~~
 1728 ~~the county boundary and such location is approved under the~~
 1729 ~~zoning regulations of the county or municipality in which the~~
 1730 ~~permit is located, and upon such relocation may use the permit~~
 1731 ~~for the conduct of pari-mutuel wagering and the operation of a~~
 1732 ~~cardroom. The provisions of s. 550.6305(9)(d) and (f) shall~~
 1733 ~~apply to any permit converted under this subsection and shall~~
 1734 ~~continue to apply to any permit which was previously included~~
 1735 ~~under and subject to such provisions before a conversion~~
 1736 ~~pursuant to this section occurred.~~

1737 Section 4. Section 550.0555, Florida Statutes, is
 1738 repealed.

1739 Section 5. Section 550.0745, Florida Statutes, is
 1740 repealed.

1741 Section 6. Subsection (3) of section 550.09512, Florida
 1742 Statutes, is amended to read:

1743 550.09512 Harness horse taxes; abandoned interest in a
 1744 permit for nonpayment of taxes.-

1745 (3)(a) The division shall revoke the permit of a harness
 1746 horse racing permitholder who does not pay tax on handle for
 1747 live harness horse performances for a full schedule of live
 1748 racess for more than 24 consecutive months during any 2
 1749 ~~consecutive state fiscal years shall be void and shall escheat~~
 1750 ~~to and become the property of the state unless such failure to~~

1751 operate and pay tax on handle was the direct result of fire,
 1752 strike, war, or other disaster or event beyond the ability of
 1753 the permitholder to control. Financial hardship to the
 1754 permitholder does ~~shall~~ not, in and of itself, constitute just
 1755 cause for failure to operate and pay tax on handle. A permit
 1756 revoked under this subsection is void and may not be reissued.

1757 ~~(b) In order to maximize the tax revenues to the state,~~
 1758 ~~the division shall reissue an escheated harness horse permit to~~
 1759 ~~a qualified applicant pursuant to the provisions of this chapter~~
 1760 ~~as for the issuance of an initial permit. However, the~~
 1761 ~~provisions of this chapter relating to referendum requirements~~
 1762 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
 1763 ~~escheated harness horse permit. As specified in the application~~
 1764 ~~and upon approval by the division of an application for the~~
 1765 ~~permit, the new permitholder shall be authorized to operate a~~
 1766 ~~harness horse facility anywhere in the same county in which the~~
 1767 ~~escheated permit was authorized to be operated, notwithstanding~~
 1768 ~~the provisions of s. 550.054(2) relating to mileage limitations.~~

1769 Section 7. Subsections (3) and (7) of section 550.09515,
 1770 Florida Statutes, are amended to read:

1771 550.09515 Thoroughbred horse taxes; abandoned interest in
 1772 a permit for nonpayment of taxes.-

1773 (3)~~(a)~~ The division shall revoke the permit of a
 1774 thoroughbred racing horse permitholder that ~~who~~ does not pay tax
 1775 on handle for live thoroughbred horse performances for a full

1776 schedule of live races for more than 24 consecutive months
 1777 ~~during any 2 consecutive state fiscal years shall be void and~~
 1778 ~~shall escheat to and become the property of the state unless~~
 1779 such failure to operate and pay tax on handle was the direct
 1780 result of fire, strike, war, or other disaster or event beyond
 1781 the ability of the permitholder to control. Financial hardship
 1782 to the permitholder does ~~shall~~ not, in and of itself, constitute
 1783 just cause for failure to operate and pay tax on handle. A
 1784 permit revoked under this subsection is void and may not be
 1785 reissued.

1786 ~~(b) In order to maximize the tax revenues to the state,~~
 1787 ~~the division shall reissue an escheated thoroughbred horse~~
 1788 ~~permit to a qualified applicant pursuant to the provisions of~~
 1789 ~~this chapter as for the issuance of an initial permit. However,~~
 1790 ~~the provisions of this chapter relating to referendum~~
 1791 ~~requirements for a pari mutuel permit shall not apply to the~~
 1792 ~~reissuance of an escheated thoroughbred horse permit. As~~
 1793 ~~specified in the application and upon approval by the division~~
 1794 ~~of an application for the permit, the new permitholder shall be~~
 1795 ~~authorized to operate a thoroughbred horse facility anywhere in~~
 1796 ~~the same county in which the escheated permit was authorized to~~
 1797 ~~be operated, notwithstanding the provisions of s. 550.054(2)~~
 1798 ~~relating to mileage limitations.~~

1799 ~~(7) If a thoroughbred permitholder fails to operate all~~
 1800 ~~performances on its 2001-2002 license, failure to pay tax on~~

1801 | ~~handle for a full schedule of live races for those performances~~
 1802 | ~~in the 2001-2002 fiscal year does not constitute failure to pay~~
 1803 | ~~taxes on handle for a full schedule of live races in a fiscal~~
 1804 | ~~year for the purposes of subsection (3). This subsection may not~~
 1805 | ~~be construed as forgiving a thoroughbred permitholder from~~
 1806 | ~~paying taxes on performances conducted at its facility pursuant~~
 1807 | ~~to its 2001-2002 license other than for failure to operate all~~
 1808 | ~~performances on its 2001-2002 license. This subsection expires~~
 1809 | ~~July 1, 2003.~~

1810 | Section 8. Section 550.3345, Florida Statutes, is amended
 1811 | to read:

1812 | 550.3345 ~~Conversion of quarter horse permit to a Limited~~
 1813 | thoroughbred racing permit.-

1814 | (1) In recognition of the important and long-standing
 1815 | economic contribution of the thoroughbred horse breeding
 1816 | industry to this state and the state's vested interest in
 1817 | promoting the continued viability of this agricultural activity,
 1818 | the state intends to provide a limited opportunity for the
 1819 | conduct of live thoroughbred horse racing with the net revenues
 1820 | from such racing dedicated to the enhancement of thoroughbred
 1821 | purses and breeders', stallion, and special racing awards under
 1822 | this chapter; the general promotion of the thoroughbred horse
 1823 | breeding industry; and the care in this state of thoroughbred
 1824 | horses retired from racing.

1825 | (2) A limited thoroughbred racing permit previously

1826 ~~converted from~~ Notwithstanding any other provision of law, the
 1827 ~~holder of~~ a quarter horse racing permit pursuant to chapter
 1828 2010-29, Laws of Florida, issued under s. 550.334 may only be
 1829 held by, within 1 year after the effective date of this section,
 1830 ~~apply to the division for a transfer of the quarter horse racing~~
 1831 ~~permit to~~ a not-for-profit corporation formed under state law to
 1832 serve the purposes of the state as provided in subsection (1).
 1833 The board of directors of the not-for-profit corporation must be
 1834 composed ~~comprised~~ of 11 members, 4 of whom shall be designated
 1835 by the applicant, 4 of whom shall be designated by the Florida
 1836 Thoroughbred Breeders' Association, and 3 of whom shall be
 1837 designated by the other 8 directors, with at least 1 of these 3
 1838 members being an authorized representative of another
 1839 thoroughbred racing permitholder in this state. A limited
 1840 thoroughbred racing ~~The not-for-profit corporation shall submit~~
 1841 ~~an application to the division for review and approval of the~~
 1842 ~~transfer in accordance with s. 550.054. Upon approval of the~~
 1843 ~~transfer by the division, and notwithstanding any other~~
 1844 ~~provision of law to the contrary, the not-for-profit corporation~~
 1845 ~~may, within 1 year after its receipt of the permit, request that~~
 1846 ~~the division convert the quarter horse racing permit to a permit~~
 1847 ~~authorizing the holder to conduct pari mutuel wagering meets of~~
 1848 ~~thoroughbred racing. Neither the transfer of the quarter horse~~
 1849 ~~racing permit nor its conversion to a limited thoroughbred~~
 1850 ~~permit shall be subject to the mileage limitation or the~~

1851 ~~ratification election as set forth under s. 550.054(2) or s.~~
 1852 ~~550.0651. Upon receipt of the request for such conversion, the~~
 1853 ~~division shall timely issue a converted permit. The converted~~
 1854 permit and the not-for-profit corporation are ~~shall be~~ subject
 1855 to the following requirements:

1856 (a) All net revenues derived by the not-for-profit
 1857 corporation under the thoroughbred ~~horse~~ racing permit, after
 1858 the funding of operating expenses and capital improvements,
 1859 shall be dedicated to the enhancement of thoroughbred purses and
 1860 breeders', stallion, and special racing awards under this
 1861 chapter; the general promotion of the thoroughbred horse
 1862 breeding industry; and the care in this state of thoroughbred
 1863 horses retired from racing.

1864 (b) From December 1 through April 30, ~~no~~ live thoroughbred
 1865 racing may not be conducted under the permit on any day during
 1866 which another thoroughbred racing permitholder is conducting
 1867 live thoroughbred racing within 125 air miles of the not-for-
 1868 profit corporation's pari-mutuel facility unless the other
 1869 thoroughbred racing permitholder gives its written consent.

1870 (c) ~~After the conversion of the quarter horse racing~~
 1871 ~~permit and the~~ issuance of its initial license to conduct pari-
 1872 mutuel wagering meets of thoroughbred racing, the not-for-profit
 1873 corporation shall annually apply to the division for a license
 1874 pursuant to s. 550.5251.

1875 (d) Racing under the permit may take place only at the

1876 location for which the original quarter horse racing permit was
 1877 issued, which may be leased by the not-for-profit corporation
 1878 for that purpose; ~~however, the not-for-profit corporation may,~~
 1879 ~~without the conduct of any ratification election pursuant to s.~~
 1880 ~~550.054(13) or s. 550.0651, move the location of the permit to~~
 1881 ~~another location in the same county provided that such~~
 1882 ~~relocation is approved under the zoning and land use regulations~~
 1883 ~~of the applicable county or municipality.~~

1884 (e) A limited thoroughbred racing ~~Ne~~ permit may not be
 1885 transferred ~~converted under this section is eligible for~~
 1886 ~~transfer~~ to another person or entity.

1887 (3) Unless otherwise provided in this section, ~~after~~
 1888 ~~conversion,~~ the permit and the not-for-profit corporation shall
 1889 be treated under the laws of this state as a thoroughbred racing
 1890 permit and as a thoroughbred racing permitholder, respectively,
 1891 with the exception of ss. 550.054(9)(c) and s. 550.09515(3).

1892 Section 9. Subsection (4) of section 551.102, Florida
 1893 Statutes, is amended to read:

1894 (4) "Eligible facility" means any licensed pari-mutuel
 1895 facility located in Miami-Dade County or Broward County existing
 1896 at the time of adoption of s. 23, Art. X of the State
 1897 Constitution that has conducted live racing or games during
 1898 calendar years 2002 and 2003 and has been approved by a majority
 1899 of voters in a countywide referendum to have slot machines at
 1900 such facility in the respective county; or any licensed pari-

1901 | mutuel facility located within a county as defined in s.
 1902 | 125.011, provided such facility has conducted live racing for 2
 1903 | consecutive calendar years immediately preceding its application
 1904 | for a slot machine license, pays the required license fee, and
 1905 | meets the other requirements of this chapter; ~~or any licensed~~
 1906 | ~~pari-mutuel facility in any other county in which a majority of~~
 1907 | ~~voters have approved slot machines at such facilities in a~~
 1908 | ~~countywide referendum held pursuant to a statutory or~~
 1909 | ~~constitutional authorization after the effective date of this~~
 1910 | ~~section in the respective county, provided such facility has~~
 1911 | ~~conducted a full schedule of live racing for 2 consecutive~~
 1912 | ~~calendar years immediately preceding its application for a slot~~
 1913 | ~~machine license, pays the required licensed fee, and meets the~~
 1914 | ~~other requirements of this chapter.~~

1915 | Section 10. Subsection (1) of section 551.104, Florida
 1916 | Statutes, is amended to read:

1917 | 551.104 License to conduct slot machine gaming.—

1918 | (1) Upon application and a finding by the division after
 1919 | investigation that the application is complete and the applicant
 1920 | is qualified and payment of the initial license fee, the
 1921 | division may issue a license to conduct slot machine gaming in
 1922 | the designated slot machine gaming area of the eligible
 1923 | facility. Once licensed, slot machine gaming may be conducted
 1924 | subject to the requirements of this chapter and rules adopted
 1925 | pursuant thereto. Notwithstanding any other provision of law,

1926 the division may not issue an initial license to conduct slot
 1927 machine gaming after January 1, 2017, or otherwise authorize the
 1928 conduct of slot machine gaming at any facility or location which
 1929 was not conducting slot machine gaming as of January 1, 2017.

1930 Section 11. Paragraphs (a) and (b) of subsection (2),
 1931 paragraph (d) of subsection (7), subsection (12), paragraph (c)
 1932 of subsection (14), and paragraph (a) of subsection (17) of
 1933 section 849.086, Florida Statutes, are amended to read:

1934 849.086 Cardrooms authorized.—

1935 (2) DEFINITIONS.—As used in this section:

1936 (a) "Authorized game" means a game or series of games of
 1937 traditional poker or dominoes which are played in a pari-mutuel,
 1938 nonbanking manner, where all players at the table play against
 1939 all other players at the table and contribute to a common pot of
 1940 winnings collected by the winner, and which are played in a
 1941 manner consistent with the rules and requirements set forth in
 1942 the 1974 edition of Hoyle's Modern Encyclopedia of Card Games.

1943 (b) "Banking game" means a game in which the house is a
 1944 participant in the game, taking on players, paying winners, and
 1945 collecting from losers, or a game in which any person or party
 1946 serves as the cardroom establishes a bank against which
 1947 participants play.

1948 (7) CONDITIONS FOR OPERATING A CARDROOM.—

1949 (d) A cardroom operator may award giveaways, jackpots, and
 1950 prizes to a player who holds certain combinations of cards

1951 | specified by the cardroom operator, provided that the award of
 1952 | such giveaway, jackpot, or prize does not constitute a
 1953 | prohibited activity under subsection (12).

1954 | (12) PROHIBITED ACTIVITIES.—

1955 | (a) ~~No person licensed to operate a cardroom may conduct~~
 1956 | ~~any banking game or~~ Any game not specifically authorized by this
 1957 | section is prohibited. Prohibited games include, but are not
 1958 | limited to:

1959 | 1. Any game in which the cardroom or any other person or
 1960 | party serves as a bank or banker against which players play.

1961 | 2. Any game in which players compete against a designated
 1962 | player instead of competing against all players at the table.

1963 | 3. Any game in which the number of cards or ranking of
 1964 | hands does not conform to the rules and requirements for
 1965 | traditional poker as set forth in the 1974 edition of Hoyle's
 1966 | Modern Encyclopedia of Card Games.

1967 | 4. Any other game conducted in a manner that is not
 1968 | consistent with the provisions of this section.

1969 | (b) ~~No person~~ Persons under 18 years of age may not be
 1970 | permitted to hold a cardroom or employee license, or engage in
 1971 | any game conducted therein.

1972 | (c) ~~No~~ Electronic or mechanical devices, except mechanical
 1973 | card shufflers, may not be used to conduct any authorized game
 1974 | in a cardroom.

1975 | (d) ~~No~~ Cards, game components, or game implements may not

1976 be used in playing an authorized game unless such has been
 1977 furnished or provided to the players by the cardroom operator.

1978 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

1979 (c) ~~Notwithstanding any other provision of this section,~~
 1980 The division may impose an administrative fine not to exceed
 1981 \$1,000 for each violation against any person who has violated or
 1982 failed to comply with the provisions of this section or any
 1983 rules adopted pursuant thereto. The division may revoke the
 1984 license of any person who violates the provisions of subsection
 1985 (12) on or after August 1, 2017.

1986 (17) CHANGE OF LOCATION; REFERENDUM.—

1987 (a) Notwithstanding any provisions of this section, no
 1988 cardroom gaming license issued under this section shall be
 1989 transferred, or reissued when such reissuance is in the nature
 1990 of a transfer, so as to permit or authorize a licensee to change
 1991 the location of the cardroom except upon proof in such form as
 1992 the division may prescribe that a referendum election has been
 1993 held:

1994 1. If the proposed new location is within the same county
 1995 as the already licensed location, in the county where the
 1996 licensee desires to conduct cardroom gaming and that a majority
 1997 of the electors voting on the question in such election voted in
 1998 favor of the transfer of such license. ~~However, the division~~
 1999 ~~shall transfer, without requirement of a referendum election,~~
 2000 ~~the cardroom license of any permitholder that relocated its~~

2001 ~~permit pursuant to s. 550.0555.~~

2002 2. If the proposed new location is not within the same
 2003 county as the already licensed location, in the county where the
 2004 licensee desires to conduct cardroom gaming and that a majority
 2005 of the electors voting on that question in each such election
 2006 voted in favor of the transfer of such license.

2007 Section 12. All cardroom games involving designated
 2008 players or a bank of any kind are illegal and prohibited under
 2009 s. 849.086, Florida Statutes. Any past or future action or
 2010 inaction by the Division of Pari-Mutuel Wagering considered by
 2011 any party or construed by a tribunal to constitute permission
 2012 from the state, either for a licensed cardroom to conduct a
 2013 banking game for purposes of s. 849.086 or for a licensed
 2014 cardroom to conduct a banking or banked card game for purposes
 2015 of the Gaming Compact between the Seminole Tribe of Florida and
 2016 the State of Florida executed pursuant to s. 285.710(3)(b),
 2017 Florida Statutes, exceeds the division's delegated legislative
 2018 authority, is contrary to will of the Legislature as expressed
 2019 in the plain words of the Florida Statutes, and does not
 2020 represent state action for purposes of the Gaming Compact
 2021 executed pursuant to s. 285.710(3)(b), Florida Statutes.

2022 Section 13. This act shall take effect July 1, 2017.

COMMERCE COMMITTEE

**HB 7037 by Rep. Stark
Gaming**

**AMENDMENT SUMMARY
March 30, 2017**

Amendment 1 by Rep. Stark (Line 1005): The amendment would delete a provision in the proposed Compact that specifies the state must allocate all state revenue from the Compact to specified education programs, and replaces it with a provision requiring the state to allocate such funds to the General Revenue Fund.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Stark offered the following:

4 **Amendment**

5 Remove lines 1005-1016 and insert:
 6 state affected by the Tribe's operation of covered games. The
 7 remaining amounts paid by the Tribe to the state shall be
 8 allocated by the state to the General Revenue Fund. Payments
 9 shall