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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to gaming; amending s. 285.710, F.S.; authorizing and directing the Governor, in cooperation with the Seminole Tribe of Florida, to execute a new compact in the form provided; signifying the Legislature's approval and ratification of such compact that does not materially alter from the approved form; providing terms and conditions for the gaming compact; defining terms; authorizing the Tribe to operate covered games on its lands in accordance with the compact and at specified facilities; prohibiting specified games; providing requirements for resolution of patron disputes involving gaming, tort claims, and employee disputes; providing requirements for regulation and enforcement of the compact; requiring the state to conduct random inspections of tribal facilities; authorizing the state to conduct an independent audit; requiring the Tribe and commission to comply with specified licensing and hearing requirements; requiring the Tribe to make specified revenue share payments to the state, with reductions authorized under certain circumstances; requiring the Tribe to pay an annual oversight assessment and annual donation to the Florida Council on Compulsive Gaming; specifying that certain events do not trigger any remedy under the compact or affect the exclusivity provisions of the



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28 compact; providing for dispute resolution between the
29 Tribe and the state; providing construction; providing
30 requirements for notice under the compact; providing
31 an effective date and termination of the compact;
32 providing for execution of the compact; amending s.
33 285.712, F.S.; requiring the Governor to provide a
34 copy of the executed compact to specified parties and
35 direct the Secretary of State to forward a copy to the
36 Secretary of the Interior; creating s. 546.13, F.S.;
37 defining terms; exempting a fantasy contest from
38 certain regulations; amending s. 550.01215, F.S.;
39 revising application requirements for a pari-mutuel
40 operating license; authorizing a greyhound racing
41 permitholder to specify certain intentions on its
42 application; providing that a greyhound racing
43 permitholder that has been issued a slot machine
44 license remains an eligible facility, continues to be
45 eligible for a slot machine license, is exempt from
46 certain provisions of ch. 551, F.S., is eligible to be
47 a guest track for certain purposes, and remains
48 eligible for a cardroom license; authorizing a
49 greyhound racing permitholder to receive an operating
50 license to conduct pari-mutuel wagering activities at
51 another permitholder's greyhound racing facility;
52 authorizing certain harness horse racing permitholders
53 or quarter horse racing permitholders to elect not to
54 conduct live racing if the election is made by a
55 specified date; specifying that such permitholder may
56 retain its permit and remains a pari-mutuel facility;



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57 specifying that, if such permitholder has been issued
58 a slot machine license, the permitholder's facility
59 remains an eligible facility, continues to be eligible
60 for a slot machine license, is exempt from certain
61 provisions of chs. 550 and 551, F.S., is eligible to
62 be a guest track, and if the permitholder is a harness
63 horse racing permitholder, a host track for intertrack
64 wagering and simulcasting, and remains eligible for a
65 cardroom license; authorizing a harness horse racing
66 permitholder to be a host track for purposes of
67 intertrack wagering and simulcasting; authorizing the
68 division to approve a change in racing dates for a
69 permitholder if the request for a change is received
70 before a specified date and under certain
71 circumstances; amending s. 550.054, F.S.; requiring
72 the Division of Pari-Mutuel Wagering to revoke a
73 permit to conduct pari-mutuel wagering for a
74 permitholder that fails to make specified payments or
75 obtain an operating license; prohibiting the issuance
76 of new permits; deleting provisions related to the
77 conversion of permits; repealing s. 550.0745, F.S.,
78 relating to conversion of a pari-mutuel permit to a
79 summer jai alai permit; amending ss. 550.09512 and
80 550.09515, F.S.; requiring the division to revoke the
81 permit of a harness horse or thoroughbred racing
82 permitholder, respectively, who does not pay tax on
83 handle for a specified period of time; deleting
84 provisions relating to the reissuance of escheated
85 permits; amending s. 550.3345, F.S.; revising



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86 provisions relating to a limited thoroughbred racing
87 permit previously converted from a quarter horse
88 racing permit; amending s. 551.104, F.S.; revising
89 conditions of licensure and conditions for maintaining
90 authority to conduct slot machine gaming; requiring
91 certain permitholders to remit certain revenues to
92 qualified thoroughbred permitholders; requiring
93 qualified thoroughbred permitholders to use such
94 payments for certain purposes; defining the term
95 "qualified thoroughbred permitholder"; providing a
96 process for remitting such payments; requiring
97 qualified thoroughbred permitholders receiving such
98 funds to remit a specified percentage of the funds to
99 a specified association; amending s. 551.106, F.S.;
100 deleting obsolete provisions; revising the tax rate on
101 slot machine revenue effective on specified dates;
102 providing a formula to calculate a surcharge amount;
103 prohibiting the surcharge from exceeding a certain
104 amount; amending s. 849.086, F.S.; revising
105 legislative intent; revising definitions; authorizing
106 the division to establish a reasonable period to
107 respond to certain requests from a licensed cardroom;
108 providing that the division must approve certain
109 requests within 45 days; requiring the division to
110 review and approve or reject certain revised internal
111 controls or revised rules within 10 days after
112 submission; deleting provisions relating to the
113 renewal of a cardroom license; making technical
114 changes; authorizing certain cardroom operators to



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115 offer a certain number of certain designated player
116 games; requiring the designated player and employees
117 of the designated player to be licensed; requiring the
118 designated player to pay certain fees; prohibiting a
119 cardroom operator from serving as the designated
120 player in a game and from having a financial interest
121 in a designated player; authorizing a cardroom
122 operator to collect a rake, subject to certain
123 requirements; requiring the dealer button to be
124 rotated under certain circumstances; prohibiting a
125 cardroom operator from allowing a designated player to
126 pay an opposing player under certain circumstances;
127 prohibiting the rules of the game or of the cardroom
128 to require a designated player to cover more than 10
129 times the maximum wager for players participating in
130 any one game; prohibiting a cardroom or cardroom
131 licensee from contracting with or receiving certain
132 compensation from a player to allow that player to
133 participate in any game as a designated player;
134 requiring certain permitholders with a cardroom
135 license to remit a certain amount of its monthly gross
136 receipts to qualified thoroughbred permitholders;
137 requiring qualified thoroughbred holders to use such
138 payments for certain purposes; defining the term
139 "qualified thoroughbred permitholder"; providing a
140 process for remitting such payments; requiring
141 qualified thoroughbred permitholders receiving such
142 funds to remit a specified percentage of the funds to
143 a specified association; deleting a provision relating



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144 to the renewal or issuance of a cardroom license to a
145 quarter horse racing permitholder; conforming a cross-
146 reference; amending s. 849.16, F.S.; revising the
147 definition of the term "slot machine or device";
148 providing a directive to the Division of Law Revision
149 and Information; providing an effective date.

150

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

152

153 Section 1. Paragraph (a) of subsection (1) and subsection
154 (3) of section 285.710, Florida Statutes, are amended to read:
155 285.710 Compact authorization.—

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

157 (a) "Compact" means the Gaming Compact between the Seminole
158 Tribe of Florida and the State of Florida, ~~executed on April 7,~~
159 ~~2010.~~

160 (3) (a) The Gaming Compact between the Seminole Tribe of
161 Florida and the State of Florida, executed by the Governor and
162 the Tribe on April 7, 2010, was is ratified and approved by
163 chapter 2010-29, Laws of Florida. ~~The Governor shall cooperate~~
164 ~~with the Tribe in seeking approval of the compact from the~~
165 ~~United States Secretary of the Interior.~~

166 (b) The Governor, on behalf of this state, is hereby
167 authorized and directed to execute a new compact with the Tribe
168 as set forth in paragraph (c), and the Legislature hereby
169 signifies in advance its approval and ratification of such
170 compact, provided that it is identical to the compact set forth
171 in paragraph (c) and becomes effective on or before January 1,
172 2019. The Governor shall cooperate with the Tribe in seeking



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173 approval of such compact ratified and approved under this
174 paragraph from the Secretary of the Department of the Interior.
175 Upon becoming effective, such compact supersedes the Gaming
176 Compact ratified and approved under paragraph (a), which shall
177 then become null and void.

178 (c) The Legislature hereby approves and ratifies the
179 following Gaming Compact between the State of Florida and the
180 Seminole Tribe of Florida, provided that such compact becomes
181 effective on or before January 1, 2019:

182
183 Gaming Compact Between the Seminole Tribe of Florida
184 and the State of Florida

185
186 This compact is made and entered into by and between the
187 Seminole Tribe of Florida and the State of Florida, with respect
188 to the operation of covered games, as defined herein, on the
189 Tribe's Indian lands, as defined by the Indian Gaming Regulatory
190 Act, 25 U.S.C. ss. 2701 et seq.

191
192 PART I

193
194 TITLE.—This document shall be referred to as the "Gaming
195 Compact between the Seminole Tribe of Florida and the State of
196 Florida."

197
198 PART II

199
200 LEGISLATIVE FINDINGS.—

201 (1) The Seminole Tribe of Florida is a federally recognized



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202 tribal government that possesses sovereign powers and rights of
203 self-government.

204 (2) The State of Florida is a state of the United States of
205 America that possesses the sovereign powers and rights of a
206 state.

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

209 (4) The United States Supreme Court has long recognized the
210 right of an Indian Tribe to regulate activity on lands within
211 its jurisdiction, but the United States Congress, through the
212 Indian Gaming Regulatory Act, has given states a role in the
213 conduct of tribal gaming in accordance with negotiated tribal-
214 state compacts.

215 (5) Pursuant to the Seminole Tribe Amended Gaming
216 Ordinance, adopted by Resolution No. C-195-06, and approved by
217 the Chairman of the National Indian Gaming Commission on July
218 10, 2006, hereafter referred to as the "Seminole Tribal Gaming
219 Code," the Seminole Tribe of Florida desires to offer the play
220 of covered games, as defined in Part III, as a means of
221 generating revenues for purposes authorized by the Indian Gaming
222 Regulatory Act, including, without limitation, the support of
223 tribal governmental programs, such as health care, housing,
224 sewer and water projects, police, fire suppression, general
225 assistance for tribal elders, day care for children, economic
226 development, educational opportunities, per capita payments to
227 tribal members, and other typical and valuable governmental
228 services and programs for tribal members.

229 (6) This compact is the only gaming compact between the
230 Tribe and the state. This compact supersedes the Gaming Compact



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231 between the Tribe and the state executed on or about April 7,
232 2010, which was subsequently ratified by the Legislature and
233 went into effect on or about July 6, 2010.

234 (7) It is in the best interests of the Seminole Tribe of
235 Florida and the State of Florida for the state to enter into a
236 compact with the Tribe that recognizes the Tribe's right to
237 offer certain Class III gaming and provides substantial
238 exclusivity of such activities in conjunction with a reasonable
239 revenue sharing arrangement between the Tribe and the state that
240 will entitle the state to significant revenue participation.

241
242 PART III
243

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

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

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

252 (3) "Class III gaming" means the forms of Class III gaming
253 defined in 25 U.S.C. s. 2703(8) and by the regulations of the
254 National Indian Gaming Commission, as of January 1, 2018.

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

259 (5) "Compact" means this Gaming Compact between the



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260 Seminole Tribe of Florida and the State of Florida.

261 (6) "Covered game" or "covered gaming activity" means the
262 following Class III gaming activities:

263 (a) Slot machines, which may use spinning reels, video
264 displays, or both, and which machines must meet all of the
265 following requirements:

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

269 2. Require, for play or operation, the insertion of a coin,
270 bill, ticket, token, or similar object, or payment of any
271 consideration whatsoever, including the use of any electronic
272 payment system, except a credit card or debit card, unless state
273 law authorizes the use of an electronic payment system that uses
274 a credit or debit card payment, in which case the Tribe is
275 authorized to use such payment system.

276 3. Are available to play or operate, the play or operation
277 of which, whether by reason of skill or application of the
278 element of chance or both, may deliver or entitle the person or
279 persons playing or operating the contrivance, terminal, machine,
280 or other device to receive cash, billets, tickets, tokens, or
281 electronic credits to be exchanged for cash or to receive
282 merchandise or anything of value whatsoever, whether the payoff
283 is made automatically from the machine or manually.

284 4. Include associated equipment necessary to conduct the
285 operation of the contrivance, terminal, machine, or other
286 device.

287 (b) Banking or banked card games, such as baccarat, chemin
288 de fer, and blackjack or 21.



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289 (c) Raffles and drawings.

290 (d) Live table games.

291 (e) Any new game, if expressly authorized by the
292 Legislature pursuant to legislation enacted subsequent to the
293 effective date of this compact and lawfully conducted by any
294 person for any purpose pursuant to such authorization.

295 (7) "Covered game employee" or "covered employee" means an
296 individual employed and licensed by the Tribe whose
297 responsibilities include the rendering of services with respect
298 to the operation, maintenance, or management of covered games,
299 including, but not limited to, managers and assistant managers;
300 accounting personnel; commission officers; surveillance and
301 security personnel; cashiers, supervisors, and floor personnel;
302 cage personnel; and any other employee whose employment duties
303 require or authorize access to areas of the facility related to
304 the conduct of covered games or the technical support or storage
305 of covered game components. The term does not include the
306 Tribe's elected officials, provided that such individuals are
307 not directly involved in the operation, maintenance, or
308 management of covered games or covered games components.

309 (8) "Documents" means books, records, electronic, magnetic,
310 and computer media documents, and other writings and materials,
311 copies of such documents and writings, and information contained
312 in such documents and writings.

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

315 (10) "Electronic bingo machine" means a card minding
316 device, which may only be used in connection with a bingo game
317 as defined in s. 849.0931(1)(a), Florida Statutes, which is



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318 certified in advance by an independent testing laboratory
319 approved by the Division of Pari-Mutuel Wagering as a bingo aid
320 device that meets all of the following requirements:

321 (a) Aids a bingo game player by:

322 1. Storing in the memory of the device not more than three
323 bingo faces of tangible bingo cards as defined by s.
324 849.0931(1)(b), Florida Statutes, purchased by a player.

325 2. Comparing the numbers drawn and individually entered
326 into the device by the player to the bingo faces previously
327 stored in the memory of the device.

328 3. Identifying preannounced winning bingo patterns marked
329 or covered on the stored bingo faces.

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

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

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

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

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

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

346 (h) Does not contain more than one player position for



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347 playing bingo.

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

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

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

355 (12) "Guaranteed minimum compact term payment" means a
356 minimum total payment for the guarantee payment period of \$3
357 billion, which shall include all revenue share payments during
358 the guarantee payment period.

359 (13) "Guarantee payment period" means the seven-year period
360 beginning July 1, 2018, and ending June 30, 2025.

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

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

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

374 (b) Uses only horse or greyhound races that were recorded
375 at licensed pari-mutuel facilities in the United States after



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376 January 1, 2000.

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

380 (d) Offers one or more of the following racing types:
381 thoroughbreds, harness, or greyhounds.

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

383 (f) Does not award prizes exceeding \$1,000, other than
384 progressive prizes not exceeding \$2,500.

385 (g) After each wager is placed, displays a video of at
386 least the final eight seconds of the horse or greyhound race
387 before any prize is awarded or indicated on the historic racing
388 machine.

389 (h) The display of the video of the horse or greyhound race
390 occupies at least 70 percent of the historic racing machine's
391 video screen and does not contain and is not linked to more than
392 one video display.

393 (i) Does not use casino game graphics, themes, or titles,
394 including but not limited to, depictions of slot machine-style
395 symbols, cards, craps, roulette, lottery, or bingo.

396 (j) Does not use video or mechanical reel displays.

397 (k) Does not contain more than one player position for
398 placing wagers.

399 (l) Does not dispense coins, currency, or tokens.

400 (m) Awards prizes solely on the results of a previously
401 conducted horse or greyhound race with no additional element of
402 chance.

403 (n) Uses a random number generator to select the race from
404 the central server to be displayed to the player and the numbers



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405 or other designations of race entrants that will be used in the
406 various bet types for any "Quick Pick" bets. To prevent an
407 astute player from recognizing the race based on the entrants
408 and thus knowing the results before placing a wager, the
409 entrants of the race may not be identified until after all
410 wagers for that race have been placed.

411 (16) "Indian Gaming Regulatory Act" means the Indian Gaming
412 Regulatory Act, Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467,
413 codified at 25 U.S.C. ss. 2701 et seq. and 18 U.S.C. ss. 1166 to
414 1168.

415 (17) "Indian lands" means the lands defined in 25 U.S.C. s.
416 2703(4).

417 (18) "Initial payment period" means the period beginning on
418 the effective date of the compact and ending on June 30, 2018.

419 (19) "Live table games" means dice games, such as craps,
420 sic-bo and any similar variations thereof, and wheel games, such
421 as roulette, big six, and any similar variations thereof, but
422 not including any game that is authorized as a slot machine,
423 banking or banked card game, raffle, or drawing.

424 (20) "Lottery vending machine" means any of the following
425 four types of machines:

426 (a) A machine that dispenses pre-printed paper instant
427 lottery tickets, but that does not read or reveal the results of
428 the ticket or allow a player to redeem any ticket. The machine,
429 or any machine or device linked to the machine, does not include
430 or make use of video reels or mechanical reels or other video
431 depictions of slot machine or casino game themes or titles for
432 game play, but does not preclude the use of casino game themes
433 or titles on such tickets or signage or advertising displays on



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434 the machines.

435 (b) A machine that dispenses pre-determined electronic
436 instant lottery tickets and displays an image of the ticket on a
437 video screen on the machine, where the player touches the image
438 of the ticket on the video screen to reveal the outcome of the
439 ticket, provided the machine does not permit a player to redeem
440 winnings, does not make use of video reels or mechanical reels,
441 and does not simulate the play of any casino game, and the
442 lottery retailer is paid the same amount as would be paid for
443 the sale of paper instant lottery tickets.

444 (c) A machine that dispenses a paper lottery ticket with
445 numbers selected by the player or randomly by the machine, but
446 does not reveal the winning numbers. Such winning numbers are
447 selected at a subsequent time and different location through a
448 drawing conducted by the state lottery. The machine, or any
449 machine or device linked to the machine, does not include or
450 make use of video reels or mechanical reels or other video
451 depictions of slot machine or casino game themes or titles for
452 game play. The machine is not used to redeem a winning ticket.
453 This does not preclude the use of casino game themes, titles for
454 signage, or advertising displays on the machine.

455 (21) "Monthly payment" means the monthly revenue share
456 payment which the Tribe remits to the state on the 15th day of
457 the month following each month of the revenue sharing cycle.

458 (22) "Net revenue base" means the net win for the 12 month
459 period immediately preceding the offering of, for public or
460 private use, Class III or other casino-style gaming at any of
461 the licensed pari-mutuel facilities in Broward and Miami-Dade
462 Counties, except that if the commencement of such new gaming is



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463 made during the initial payment period, "net revenue base" means
464 net win for the 12-month period immediately preceding this
465 compact.

466 (23) "Net win" means the total receipts from the play of
467 all covered games less all prize payouts and free play or
468 promotional credits issued by the Tribe.

469 (24) "Pari-mutuel wagering activities" means those
470 activities authorized on January 1, 2018, by chapter 550, which
471 do not include any casino-style game or device that include
472 video reels or mechanical reels or other slot machine or casino
473 game themes or titles.

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

477 (26) "Regular payment period" means the period beginning on
478 July 1, 2025, and terminating at the end of the term of this
479 compact.

480 (27) "Revenue share payment" means the periodic payment by
481 the Tribe to the state provided for in Part XI.

482 (28) "Revenue sharing cycle" means the annual 12-month
483 period of the Tribe's operation of covered games in its
484 facilities beginning on July 1 of each fiscal year, except for
485 during the initial payment period, when the first revenue
486 sharing cycle begins on July 1 of the previous year, and the
487 Tribe receives a credit for any amount paid to the state under
488 the 2010 Compact for that revenue sharing cycle.

489 (29) "Rules and regulations" means the rules and
490 regulations promulgated by the commission for implementation of
491 this compact.



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492 (30) "State" means the State of Florida.

493 (31) "State compliance agency" means the state agency
494 designated by the Florida Legislature that has the authority to
495 carry out the state's oversight responsibilities under this
496 compact.

497 (32) "Tribe" means the Seminole Tribe of Florida or any
498 affiliate thereof conducting activities pursuant to this compact
499 under the authority of the Seminole Tribe of Florida.

501 PART IV

502
503 AUTHORIZATION AND LOCATION OF COVERED GAMES.—

504 (1) The Tribe and state agree that the Tribe is authorized
505 to operate covered games on its Indian lands, as defined in the
506 Indian Gaming Regulatory Act, in accordance with the provisions
507 of this compact. Nothing in the compact is intended to prohibit
508 the Tribe from operating slot machines that employ video or
509 mechanical displays of roulette, wheels, or other table game
510 themes. Except for the provisions in subsection (1) of Part XI,
511 nothing in this compact shall limit the Tribe's right to operate
512 any Class II gaming under the Indian Gaming Regulatory Act.

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

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

518 (b) Seminole Indian Casino-Coconut Creek in Coconut Creek,
519 FL.

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



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- 521 (d) Seminole Indian Casino-Immokalee in Immokalee, FL.
522 (e) Seminole Indian Casino-Big Cypress in Clewiston, FL.
523 (f) Seminole Hard Rock Hotel & Casino-Hollywood in
524 Hollywood, FL.
525 (g) Seminole Hard Rock Hotel & Casino-Tampa in Tampa, FL.
526 (3) Any of the facilities existing on Indian lands
527 identified in subsection (2) may be expanded or replaced by
528 another facility on the same Indian lands with at least 60 days'
529 advance notice to the state.

531 PART V

532
533 RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR
534 OPERATIONS.-

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

549 (2) All facilities shall comply with, and all covered games



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550 approved under this compact shall be operated in accordance
551 with, the requirements set forth in this compact, including, but
552 not limited to, the requirements set forth in subsections (3)
553 and (4) and the Tribe's Internal Control Policies and
554 Procedures. In addition, all facilities and all covered games
555 shall be operated in strict compliance with tribal internal
556 control standards that provide a level of control that equals or
557 exceeds those set forth in the National Indian Gaming
558 Commission's Minimum Internal Control Standards, 25 C.F.R. part
559 542 (2015), even if the 2015 regulations are determined to be
560 invalid or are subsequently withdrawn by the National Indian
561 Gaming Commission. The Tribe may amend or supplement its
562 internal control standards from time to time, provided that such
563 changes continue to provide a level of control that equals or
564 exceeds those set forth in 25 C.F.R. part 542 (2015).

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

568 (4) The Tribe shall continue and maintain its program to
569 combat problem gambling and curtail compulsive gambling and work
570 with the Florida Council on Compulsive Gambling or other
571 organizations dedicated to assisting problem gamblers. The Tribe
572 shall continue to maintain the following safeguards against
573 problem gambling:

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

578 (b) The Tribe shall make printed materials available to



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579 patrons, which include contact information for the Florida
580 Council on Compulsive Gambling 24-hour helpline or other hotline
581 dedicated to assisting problem gamblers, and will work with the
582 Florida Council on Compulsive Gambling or other organization
583 dedicated to assisting problem gamblers to provide contact
584 information for the Florida Council on Compulsive Gambling or
585 other organization dedicated to assisting problem gamblers, and
586 to provide such information on the facility's website. The Tribe
587 shall continue to display within the facilities all literature
588 from the Florida Council on Compulsive Gambling or other
589 organization dedicated to assisting problem gamblers.

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

593 2. The Tribe shall employ its best efforts to exclude
594 patrons on such list from entry into its facilities; provided
595 that nothing in this compact shall create for patrons who are
596 excluded but gain access to the facilities, or any other person,
597 a cause of action or claim against the state, the Tribe or the
598 commission, or any other person, entity, or agency for failing
599 to enforce such exclusion.

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

603 (d) All covered game employees shall receive training on
604 identifying compulsive gamblers and shall be instructed to ask
605 such persons to leave. The facility shall make available signs
606 bearing a toll-free help-line number and educational and
607 informational materials at conspicuous locations and automated



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608 teller machines in each facility, which materials aim at the
609 prevention of problem gaming and which specify where patrons may
610 receive counseling or assistance for gambling problems. All
611 covered games employees shall also be screened by the Tribe for
612 compulsive gambling habits. Nothing in this subsection shall
613 create for patrons, or any other person, a cause of action or
614 claim against the state, the Tribe or the commission, or any
615 other person, entity, or agency for failing to identify a patron
616 or person who is a compulsive gambler or ask that person to
617 leave.

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

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

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

628 (5) The state may secure an annual independent audit of the
629 conduct of covered games subject to this compact, as set forth
630 in Part VIII.

631 (6) The facility shall visibly display summaries of the
632 rules for playing covered games and promotional contests and
633 shall make available complete sets of rules upon request. The
634 Tribe shall provide copies of all such rules to the state
635 compliance agency within 30 calendar days after issuance or
636 amendment.



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637 (7) The Tribe shall provide the commission and state
638 compliance agency with a chart of the supervisory lines of
639 authority with respect to those directly responsible for the
640 conduct of covered games, and shall promptly notify those
641 agencies of any material changes to the chart.

642 (8) The Tribe shall continue to maintain proactive
643 approaches to prevent improper alcohol sales, drunk driving,
644 underage drinking, and underage gambling. These approaches shall
645 involve intensive staff training, screening and certification,
646 patron education, and the use of security personnel and
647 surveillance equipment in order to enhance patrons' enjoyment of
648 the facilities and provide for patron safety.

649 (a) Staff training includes specialized employee training
650 in nonviolent crisis intervention, driver license verification,
651 and detection of intoxication.

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

655 (c) Roving and fixed security officers, along with
656 surveillance cameras, shall assist in the detection of
657 intoxicated patrons, investigate problems, and engage with
658 patrons to deescalate volatile situations.

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

662 (e) The Tribe shall maintain these programs and policies in
663 its Alcohol Beverage Control Act for the duration of the compact
664 but may replace such programs and policies with stricter or more
665 extensive programs and policies. The Tribe shall provide the



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666 state with written notice of any changes to the Tribe's Alcohol
667 Beverage Control Act, which notice shall include a copy of such
668 changes and shall be sent on or before the effective date of the
669 change. Nothing in this subsection shall create for patrons, or
670 any other person, a cause of action or claim against the state,
671 the Tribe or the commission, or any other person, entity, or
672 agency for failing to fulfill the requirements of this
673 subsection.

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

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

679 (11) The commission shall keep a record of, and shall
680 report at least quarterly to the state compliance agency, the
681 number of covered games in each facility, by the name or type of
682 each game and its identifying number.

683 (12) The Tribe and the commission shall make available, to
684 any member of the public upon request, within 10 business days,
685 a copy of the National Indian Gaming Commission's Minimum
686 Internal Control Standards, 25 C.F.R. part 542 (2015), the
687 Seminole Tribal Gaming Code, this compact, the rules of each
688 covered game operated by the Tribe, and the administrative
689 procedures for addressing patron tort claims under Part VI.

691 PART VI

692
693 PATRON DISPUTES, WORKERS' COMPENSATION, TORT CLAIMS; PRIZE
694 CLAIMS; LIMITED CONSENT TO SUIT.-



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695 (1) All patron disputes involving gaming shall be resolved
696 in accordance with the procedures established in the Seminole
697 Tribal Gaming Code.

698 (2) Tort claims by employees of the Tribe's facilities will
699 be handled pursuant to the provisions of the Tribe's Workers'
700 Compensation Ordinance, which shall provide workers the same or
701 better protections as provided in state workers' compensation
702 laws.

703 (3) Disputes involving employees of the Tribe's facilities
704 will be handled pursuant to the provisions of the Tribe's policy
705 for gaming employees, as set forth in the Employee Fair
706 Treatment and Dispute Resolution Policy.

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

714 (5) The Tribe shall have 30 days to respond to a claim made
715 by a patron. If the Tribe fails to respond within 30 days, the
716 patron may file suit against the Tribe. When the Tribe responds
717 to an incident alleged to have caused a patron's injury or
718 illness, the Tribe shall provide a claim form to the patron. The
719 form must include the address for the Tribe's Risk Management
720 Department and provide notice of the Tribe's administrative
721 procedures for addressing patron tort claims, including notice
722 of the relevant deadlines that may bar such claims if the
723 Tribe's administrative procedures are not followed. It is the



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724 patron's responsibility to complete the form and forward the
725 form to the Tribe's Risk Management Department within a
726 reasonable period of time, and in a reasonable and timely
727 manner. Nothing herein shall interfere with any claim a patron
728 might have arising under the Federal Tort Claim Act.

729 (6) Upon receiving written notification of the claim, the
730 Tribe's Risk Management Department shall forward the
731 notification to the Tribe's insurance carrier. The Tribe shall
732 use its best efforts to ensure that the insurance carrier
733 contacts the patron within a reasonable period of time after
734 receipt of the claim.

735 (7) The insurance carrier shall handle the claim to
736 conclusion. If the patron, Tribe, and insurance carrier are not
737 able to resolve the claim in good faith within one year after
738 the patron provided written notice to the Tribe's Risk
739 Management Department or the facility, the patron may bring a
740 tort claim against the Tribe in any court of competent
741 jurisdiction in the county in which the incident alleged to have
742 caused injury occurred, as provided in this compact, and subject
743 to a four-year statute of limitations, which shall begin to run
744 from the date of the incident of the injury alleged in the
745 claim. A patron's notice of injury to the Tribe pursuant to
746 subsection (4) and the fulfillment of the good faith attempt at
747 resolution pursuant to this part are conditions precedent to
748 filing suit.

749 (8) For tort claims of patrons made pursuant to subsection
750 (4), the Tribe agrees to waive its tribal sovereign immunity to
751 the same extent as the state waives its sovereign immunity, as
752 specified in s. 768.28(1) and (5), Florida Statutes, as such



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753 provision may be amended from time to time by the Legislature.
754 In no event shall the Tribe be deemed to have waived its tribal
755 immunity from suit beyond the limits set forth in s. 768.28(5),
756 Florida Statutes. These limitations are intended to include
757 liability for compensatory damages, costs, pre-judgment
758 interest, and attorney fees if otherwise allowable under state
759 law arising out of any claim brought or asserted against the
760 Tribe, its subordinate governmental and economic units, any
761 Tribal officials, employees, servants, or agents in their
762 official capacities and any entity which is owned, directly or
763 indirectly, by the Tribe. All patron tort claims brought
764 pursuant to this provision shall be brought solely against the
765 Tribe, as the sole party in interest.

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

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

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

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

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



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

784 (10) The Tribe shall maintain an insurance policy that
785 shall:

786 (a) Prohibit the insurer or the Tribe from invoking tribal
787 sovereign immunity for claims up to the limits to which the
788 state has waived sovereign immunity as set forth in s.
789 768.28(5), Florida Statutes, or its successor statute.

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

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

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

797 (11) The Tribal Council of the Seminole Tribe of Florida
798 may, in its discretion, consider claims for compensation in
799 excess of the limits of the Tribe's waiver of its sovereign
800 immunity.

801
802 PART VII

803
804 ENFORCEMENT OF COMPACT PROVISIONS.—

805 (1) The Tribe, the commission, and the state compliance
806 agency, to the extent authorized by this compact, shall be
807 responsible for regulating activities pursuant to this compact.
808 As part of its responsibilities, the Tribe shall adopt or issue
809 standards designed to ensure that the facilities are
810 constructed, operated, and maintained in a manner that



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811 adequately protects the environment and public health and
812 safety. Additionally, the Tribe and the commission shall ensure
813 that:

814 (a) Operation of the conduct of covered games is in strict
815 compliance with:

816 1. The Seminole Tribal Gaming Code.

817 2. All rules, regulations, procedures, specifications, and
818 standards lawfully adopted by the National Indian Gaming
819 Commission and the commission.

820 3. The provisions of this compact, including, but not
821 limited to, the Tribe's standards and rules.

822 (b) Reasonable measures are taken to:

823 1. Ensure the physical safety of facility patrons,
824 employees, and any other person while in the facility.

825 2. Prevent illegal activity at the facilities or with
826 regard to the operation of covered games, including, but not
827 limited to, the maintenance of employee procedures and a
828 surveillance system.

829 3. Ensure prompt notification is given, in accordance with
830 applicable law, to appropriate law enforcement authorities of
831 persons who may be involved in illegal acts.

832 4. Ensure that the construction and maintenance of the
833 facilities complies with the standards of the Florida Building
834 Code, the provisions of which the Tribe has adopted as the
835 Seminole Tribal Building Code.

836 5. Ensure adequate emergency access plans have been
837 prepared to ensure the health and safety of all covered game
838 patrons.

839 (2) All licenses for members and employees of the



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840 commission shall be issued according to the same standards and
841 terms applicable to facility employees. The commission's
842 officers shall be independent of the Tribal gaming operations,
843 and shall be supervised by and accountable only to the
844 commission. A commission officer shall be available to the
845 facility during all hours of operation upon reasonable notice,
846 and shall have immediate access to any and all areas of the
847 facility for the purpose of ensuring compliance with the
848 provisions of this compact. The commission shall investigate any
849 suspected or reported violation of this part and shall
850 officially enter into its files timely written reports of
851 investigations and any action taken thereon, and shall forward
852 copies of such investigative reports to the state compliance
853 agency within 30 calendar days after such filing. The scope of
854 such reporting shall be determined by the commission and the
855 state compliance agency as soon as practicable after the
856 effective date of this compact. Any such violations shall be
857 reported immediately to the commission, and the commission shall
858 immediately forward such reports to the state compliance agency.
859 In addition, the commission shall promptly report to the state
860 compliance agency any such violations which it independently
861 discovers.

862 (3) In order to develop and foster a positive and effective
863 relationship in the enforcement of the provisions of this
864 compact, representatives of the commission and the state
865 compliance agency shall meet at least annually to review past
866 practices and examine methods to improve the regulatory scheme
867 created by this compact. The meetings shall take place at a
868 location mutually agreed upon by the commission and the state



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869 compliance agency. The state compliance agency, before or during
870 such meetings, shall disclose to the commission any concerns,
871 suspected activities, or pending matters reasonably believed to
872 constitute violations of the compact by any person,
873 organization, or entity, if such disclosure will not compromise
874 the interest sought to be protected.

875
876 PART VIII

877
878 STATE MONITORING OF COMPACT.-

879 (1) It is the express intent of the Tribe and the state for
880 the Tribe to regulate its own gaming activities.

881 Notwithstanding, the state shall conduct random inspections as
882 provided for in this part to ensure that the Tribe is operating
883 in accordance with the terms of the compact. The state may
884 secure an annual independent audit of the conduct of covered
885 games subject to this compact and the Tribe shall cooperate with
886 such audit. The audit shall:

887 (a) Examine the covered games operated by the Tribe to
888 ensure compliance with the Tribe's Internal Control Policies and
889 Procedures and any other standards, policies, or procedures
890 adopted by the Tribe, the commission, or the National Indian
891 Gaming Commission which govern the play of covered games.

892 (b) Examine revenues in connection with the conduct of
893 covered games and include only those matters necessary to verify
894 the determination of net win and the basis and amount of the
895 payments the Tribe is required to make to the state pursuant to
896 Part XI and as defined by this compact.

897 (2) A copy of the audit report for the conduct of covered



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898 games shall be submitted to the commission and the state
899 compliance agency within 30 calendar days after completion.
900 Representatives of the state compliance agency may, upon
901 request, meet with the Tribe and its auditors to discuss the
902 audit or any matters in connection therewith; provided that such
903 discussions are limited to covered games information. The annual
904 independent audit shall be performed by an independent firm
905 selected by the state which has experience in auditing casino
906 operations, subject to the consent of the Tribe, which shall not
907 be unreasonably withheld. The Tribe shall pay for the cost of
908 the annual independent audit.

909 (3) As provided herein, the state compliance agency may
910 monitor the conduct of covered games to ensure that the covered
911 games are conducted in compliance with the provisions of this
912 compact. In order to properly monitor the conduct of covered
913 games, agents of the state compliance agency shall have
914 reasonable access, without prior notice, to all public areas of
915 the facilities related to the conduct of covered games.

916 (a) The state compliance agency may review whether the
917 Tribe's facilities are in compliance with the provisions of this
918 compact and the Tribe's rules and regulations applicable to
919 covered games and may advise on such issues as it deems
920 appropriate. In the event of a dispute or disagreement between
921 Tribal and state compliance agency regulators, the dispute or
922 disagreement shall be resolved in accordance with the dispute
923 resolution provisions of Part XIII.

924 (b) In order to fulfill its oversight responsibilities, the
925 state compliance agency may perform on a routine basis specific
926 oversight testing procedures as set forth in paragraph (c).



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927 (c)1. The state compliance agency may inspect any covered
928 games in operation at the facilities on a random basis, provided
929 that such inspections may not exceed one inspection per facility
930 per calendar month and the inspection may not exceed ten hours
931 spread over those two consecutive days, unless the state
932 compliance agency determines that additional inspection hours
933 are needed to address the issues of substantial noncompliance,
934 provided that the state compliance agency provides the Tribe
935 with written notification of the need for additional inspection
936 hours and a written summary of the substantial noncompliance
937 issues that need to be addressed during the additional
938 inspection hours. The total number of hours of random
939 inspections and audit reviews per year may not exceed 1,200
940 hours. Inspection hours shall be calculated on the basis of the
941 actual amount of time spent by the state compliance agency
942 conducting the inspections at a facility, without accounting for
943 a multiple for the number of state compliance agency inspectors
944 or agents engaged in the inspection activities. The purpose of
945 the random inspections is to confirm that the covered games
946 function properly pursuant to the manufacturer's technical
947 standards and are conducted in compliance with the Tribe's
948 Internal Control Policies and Procedures and any other
949 standards, policies, or procedures adopted by the Tribe, the
950 commission, or the National Indian Gaming Commission which
951 govern the play of covered games. The state compliance agency
952 shall provide notice to the commission of such inspection at or
953 before the commencement of a random inspection and a commission
954 agent may accompany the inspection.

955 2. For each facility, the state compliance agency may



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956 perform one annual review of the Tribe's slot machine compliance
957 audit.

958 3. At least annually, the state compliance agency may meet
959 with the Tribe's Internal Audit Department for Gaming to review
960 internal controls and the record of violations for each
961 facility.

962 (d) The state compliance agency shall cooperate with and
963 obtain the assistance of the commission in the resolution of any
964 conflicts in the management of the facilities, and the state and
965 the Tribe shall make their best efforts to resolve disputes
966 through negotiation whenever possible. Therefore, to foster a
967 spirit of cooperation and efficiency, the state compliance
968 agency and Tribe shall resolve disputes between the state
969 compliance agency staff and commission regulators about the day-
970 to-day regulation of the facilities through meeting and
971 conferring in good faith. Notwithstanding, the parties may seek
972 other relief that may be available when circumstances require
973 such relief. In the event of a dispute or disagreement between
974 tribal and state compliance agency regulators, the dispute or
975 disagreement shall be resolved in accordance with the dispute
976 resolution provisions of Part XIII.

977 (e) The state compliance agency shall have access to each
978 facility during the facility's operating hours only. No advance
979 notice is required when the state compliance agency inspection
980 is limited to public areas of the facility; however,
981 representatives of the state compliance agency shall provide
982 notice and photographic identification to the commission of
983 their presence before beginning any such inspections.

984 (f) The state compliance agency agents, to ensure that a



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985 commission officer is available to accompany the state
986 compliance agency agents at all times, shall provide one hour
987 notice and photographic identification to the commission before
988 entering any nonpublic area of a facility. Agents of the state
989 compliance agency shall be accompanied in nonpublic areas of the
990 facility by a commission officer.

991 (g) Any suspected or claimed violations of this compact or
992 law shall be directed in writing to the commission. The state
993 compliance agency, in conducting the functions assigned them
994 under this compact, shall not unreasonably interfere with the
995 functioning of any facility.

996 (4) Subject to the provisions herein, the state compliance
997 agency may review and request copies of documents of the
998 facility related to its conduct of covered games during normal
999 business hours unless otherwise allowed by the Tribe. The Tribe
1000 may not refuse said inspection and copying of such documents,
1001 provided that the inspectors do not require copies of documents
1002 in such volume that it unreasonably interferes with the normal
1003 functioning of the facilities or covered games. To the extent
1004 that the Tribe provides the state with information that the
1005 Tribe claims to be confidential and proprietary, or a trade
1006 secret, the Tribe shall clearly mark such information with the
1007 following designation: "Trade Secret, Confidential, and
1008 Proprietary." If the state receives a request under chapter 119
1009 that would include such designated information, the state shall
1010 promptly notify the Tribe of such a request and the Tribe shall
1011 promptly notify the state about its intent to seek judicial
1012 protection from disclosure. Upon such notice from the Tribe, the
1013 state may not release the requested information until a judicial



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1014 determination is made. This designation and notification
1015 procedure does not excuse the state from complying with the
1016 requirements of the state's public records law, but is intended
1017 to provide the Tribe the opportunity to seek whatever judicial
1018 remedy it deems appropriate. Notwithstanding the foregoing
1019 procedure, the state compliance agency may provide copies of
1020 tribal documents to federal law enforcement and other state
1021 agencies or state consultants that the state deems reasonably
1022 necessary in order to conduct or complete any investigation of
1023 suspected criminal activity in connection with the Tribe's
1024 covered games or the operation of the facilities or in order to
1025 assure the Tribe's compliance with this compact.

1026 (5) At the completion of any state compliance agency
1027 inspection or investigation, the state compliance agency shall
1028 forward any written report thereof to the commission, containing
1029 all pertinent, nonconfidential, nonproprietary information
1030 regarding any violation of applicable laws or this compact which
1031 was discovered during the inspection or investigation unless
1032 disclosure thereof would adversely impact an investigation of
1033 suspected criminal activity. Nothing herein prevents the state
1034 compliance agency from contacting tribal or federal law
1035 enforcement authorities for suspected criminal wrongdoing
1036 involving the commission.

1037 (6) Except as expressly provided in this compact, nothing
1038 in this compact shall be deemed to authorize the state to
1039 regulate the Tribe's government, including the commission, or to
1040 interfere in any way with the Tribe's selection of its
1041 governmental officers, including members of the commission.
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PART IX

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

PART X

LICENSING.—The Tribe and the commission shall comply with the licensing and hearing requirements set forth in 25 C.F.R. parts 556 and 558, as well as the applicable licensing and hearing requirements set forth in Articles IV, V, and VI of the Seminole Tribal Gaming Code. The commission shall notify the state compliance agency of any disciplinary hearings or revocation or suspension of licenses.

PART XI

PAYMENTS TO THE STATE OF FLORIDA.—

(1) The parties acknowledge and recognize that this compact provides the Tribe with partial but substantial exclusivity and other valuable consideration consistent with the goals of the Indian Gaming Regulatory Act, including special opportunities for tribal economic development through gaming within the external boundaries of the state with respect to the play of covered games. In consideration thereof, the Tribe covenants and agrees, subject to the conditions agreed upon in Part XII, to



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1072 make payments to the state derived from net win as set forth in
1073 subsections (2) and (7). The Tribe further agrees that it will
1074 not purchase or lease any new Class II video bingo terminals or
1075 their equivalents for use at its facilities after the effective
1076 date of this compact.

1077 (2) The Tribe shall make periodic revenue share payments to
1078 the state derived from net win as set forth in this subsection,
1079 and any such payments shall be made to the state via electronic
1080 funds transfer. Of the amounts paid by the Tribe to the state,
1081 three percent shall be distributed to local governments,
1082 including both counties and municipalities, in the state
1083 affected by the Tribe's operation of covered games. Revenue
1084 share payments by the Tribe to the state shall be calculated as
1085 follows:

1086 (a) During the initial payment period, the Tribe agrees to
1087 pay the state a revenue share payment in accordance with this
1088 subparagraph.

1089 1. 13 percent of all amounts up to \$2 billion of net win
1090 received by the Tribe from the operation and play of covered
1091 games during each revenue sharing cycle;

1092 2. 17.5 percent of all amounts greater than \$2 billion up
1093 to and including \$3.5 billion of net win received by the Tribe
1094 from the operation and play of covered games during each revenue
1095 sharing cycle;

1096 3. 20 percent of all amounts greater than \$3.5 billion up
1097 to and including \$4 billion of net win received by the Tribe
1098 from the operation and play of covered games during each revenue
1099 sharing cycle;

1100 4. 22.5 percent of all amounts greater than \$4 billion up



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1101 to and including \$4.5 billion of net win received by the Tribe
1102 from the operation and play of covered games during each revenue
1103 sharing cycle; or

1104 5. 25 percent of all amounts greater than \$4.5 billion of
1105 net win received by the Tribe from the operation and play of
1106 covered games during each revenue sharing cycle.

1107 (b) During the guarantee payment period, the Tribe agrees
1108 to make fixed payments in accordance with this paragraph. In
1109 addition, within 90 days after the end of the guarantee payment
1110 period, the Tribe shall make an additional payment to the state
1111 equal to the amount above \$3 billion, if any, that would have
1112 been owed by the Tribe to the state had the percentages set
1113 forth in paragraph (c) been applicable during the guarantee
1114 payment period.

1115 1. A payment of \$325 million during the first revenue
1116 sharing cycle;

1117 2. A payment of \$350 million during the second revenue
1118 sharing cycle;

1119 3. A payment of \$375 million during the third revenue
1120 sharing cycle;

1121 4. A payment of \$425 million during the fourth revenue
1122 sharing cycle;

1123 5. A payment of \$475 million during the fifth revenue
1124 sharing cycle;

1125 6. A payment of \$500 million during the sixth revenue
1126 sharing cycle; and

1127 7. A payment of \$550 million during the seventh revenue
1128 sharing cycle.

1129 (c) During the regular payment period, the Tribe agrees to



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1130 pay a revenue share payment, for each revenue sharing cycle, to
1131 the state equal to the amount calculated in accordance with this
1132 paragraph.

1133 1. 13 percent of all amounts up to \$2 billion of net win
1134 received by the Tribe from the operation and play of covered
1135 games during each revenue sharing cycle;

1136 2. 17.5 percent of all amounts greater than \$2 billion up
1137 to and including \$3.5 billion of net win received by the Tribe
1138 from the operation and play of covered games during each revenue
1139 sharing cycle;

1140 3. 20 percent of all amounts greater than \$3.5 billion up
1141 to and including \$4 billion of net win received by the Tribe
1142 from the operation and play of covered games during each revenue
1143 sharing cycle;

1144 4. 22.5 percent of all amounts greater than \$4 billion up
1145 to and including \$4.5 billion of net win received by the Tribe
1146 from the operation and play of covered games during each revenue
1147 sharing cycle; or

1148 5. 25 percent of all amounts greater than \$4.5 billion of
1149 net win received by the Tribe from the operation and play of
1150 covered games during each revenue sharing cycle.

1151 (3) The Tribe shall remit monthly payments as follows:

1152 (a) On or before the 15th day of the month following each
1153 month of the revenue sharing cycle, the Tribe will remit to the
1154 state or its assignee the monthly payment. For purposes of this
1155 section, the monthly payment shall be 8.3 percent of the
1156 estimated revenue share payment to be paid by the Tribe during
1157 such revenue sharing cycle.

1158 (b) The Tribe shall make available to the state at the time



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1159 of the monthly payment the basis for the calculation of the
1160 payment.

1161 (c) The Tribe shall, on a monthly basis, reconcile the
1162 calculation of the estimated revenue share payment based on the
1163 Tribe's unaudited financial statements related to covered games.

1164 (4) The Tribe shall have an audit conducted as follows:

1165 (a) On or before the 45th day after the third month, sixth
1166 month, ninth month, and twelfth month of each revenue sharing
1167 cycle, provided that the 12-month period does not coincide with
1168 the Tribe's fiscal year end date as indicated in paragraph (c),
1169 the Tribe shall provide the state with an audit report by its
1170 independent auditors as to the annual revenue share calculation.

1171 (b) For each quarter within revenue sharing cycle, the
1172 Tribe shall engage its independent auditors to conduct a review
1173 of the unaudited net revenue from covered games. On or before
1174 the 120th day after the end of the Tribe's fiscal year, the
1175 Tribe shall require its independent auditors to provide an audit
1176 report with respect to net win for covered games and the related
1177 payment of the annual revenue share.

1178 (c) If the twelfth month of the revenue sharing cycle does
1179 not coincide with the Tribe's fiscal year, the Tribe shall
1180 deduct net win from covered games for any of the months outside
1181 of the revenue sharing cycle and include net win from covered
1182 games for those months outside of the Tribe's audit period but
1183 within the revenue sharing cycle, before issuing the audit
1184 report.

1185 (d) No later than 30 calendar days after the day the audit
1186 report is issued, the Tribe shall remit to the state any
1187 underpayment of the annual revenue share, and the state shall



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1188 either reimburse to the Tribe any overpayment of the annual
1189 revenue share or authorize the overpayment to be deducted from
1190 the next successive monthly payment or payments.

1191 (5) If, after any change in state law to affirmatively
1192 allow internet or online gaming, or any functionally equivalent
1193 remote gaming system that permits a person to play from home or
1194 any other location that is remote from a casino or other
1195 commercial gaming facility, but excluding any fantasy contest
1196 conducted pursuant to s. 546.13, the Tribe's net win from the
1197 operation of covered games at all of its facilities combined
1198 drops more than five percent below its net win from the previous
1199 12-month period, the Tribe shall no longer be required to make
1200 payments to the state based on the guaranteed minimum compact
1201 term payment and shall not be required to make the guaranteed
1202 minimum compact term payment. However, the Tribe shall continue
1203 to make payments based on the percentage revenue share amount.
1204 The Tribe shall resume making the guaranteed minimum compact
1205 term payment for any subsequent revenue sharing cycle in which
1206 its net win rises above the level described in this subsection.
1207 This subsection does not apply if:

1208 (a) The decline in net win is due to acts of God, war,
1209 terrorism, fires, floods, or accidents causing damage to or
1210 destruction of one or more of its facilities or property
1211 necessary to operate the facility of facilities; or

1212 (b) The Tribe offers internet or online gaming or any
1213 functionally equivalent remote gaming system that permits a
1214 person to game from home or any other location that is remote
1215 from any of the Tribe's facilities, as authorized by law.

1216 (6) The annual oversight assessment, which shall not exceed



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1217 \$250,000 per year, indexed for inflation as determined by the
1218 Consumer Price Index, shall be determined and paid in quarterly
1219 installments within 30 calendar days after receipt by the Tribe
1220 of an invoice from the state compliance agency. The Tribe
1221 reserves the right to audit the invoices on an annual basis, a
1222 copy of which will be provided to the state compliance agency,
1223 and any discrepancies found therein shall be reconciled within
1224 45 calendar days after receipt of the audit by the state
1225 compliance agency.

1226 (7) The Tribe shall make an annual donation to the Florida
1227 Council on Compulsive Gaming as an assignee of the state in an
1228 amount not less than \$250,000 per facility.

1229 (8) Except as expressly provided in this part, nothing in
1230 this compact shall be deemed to require the Tribe to make
1231 payments of any kind to the state or any of its agencies.

1232

1233 PART XII

1234

1235 REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY
1236 OR OTHER CHANGES IN STATE LAW.—The intent of this compact is to
1237 provide the Tribe with the right to operate covered games on an
1238 exclusive basis throughout the state, subject to the exceptions
1239 and provisions in this part.

1240 (1) For purposes of this part, the terms "Class III gaming"
1241 or "other casino-style gaming" include, but are not limited to,
1242 slot machines, electronically assisted bingo, electronically
1243 assisted pull-tab games, noncard table games, video lottery
1244 terminals, or any similar games, whether or not such games are
1245 determined through the use of a random number generator. For the



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1246 purposes of this part, the terms "Class III gaming" and "other
1247 casino-style gaming" do not include fantasy contests conducted
1248 pursuant to s. 546.13 or designated player games of poker
1249 authorized pursuant to s. 849.086, as those statutes are in
1250 effect on January 1, 2019.

1251 (a) If, after January 1, 2019, state law is amended,
1252 implemented, or interpreted to allow the operation of Class III
1253 gaming or other casino-style gaming at any location under the
1254 jurisdiction of the state that was not in operation as of
1255 January 1, 2019, or a new form of Class III gaming or other
1256 casino-style gaming that was not in operation as of January 1,
1257 2019, and such gaming is offered to the public as a result of
1258 the amendment, implementation, or interpretation, the Tribe, no
1259 fewer than 30 days after the commencement of such new gaming or
1260 90 days after the state's receipt of written notice from the
1261 Tribe pursuant to paragraph (b), whichever occurs later, may
1262 elect to begin making the affected portion of its payments due
1263 to the state pursuant to subsections (2) and (7) of Part XI,
1264 into an escrow account.

1265 (b) In order to exercise the provisions of paragraph (a),
1266 the Tribe must first notify the state, within 90 days after such
1267 amendment, implementation, or interpretation of state law, of
1268 the Tribe's objections to such action or interpretation and
1269 further specify the basis for the Tribe's contention that such
1270 action or interpretation infringes upon the substantial
1271 exclusivity afforded under this compact. As part of its written
1272 notice, the Tribe must also indicate, if applicable, its
1273 intention to begin making the affected portion of its payments
1274 due to the state into an escrow account.



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1275 (c) Upon receipt of written notice from the Tribe, the
1276 state may elect to:

1277 1. Invoke the dispute resolution provisions of Part XIII to
1278 determine whether the Tribe's contention is well-founded. In
1279 such proceeding, the Tribe carries the burden of proof and
1280 persuasion. The pendency of such proceeding tolls the time
1281 periods set forth in paragraph (1) (a) of Part XII for the
1282 duration of the dispute or litigation; or

1283 2. Seek through enforcement action, legislation, or other
1284 means to stop the conduct of such new games.

1285 (d)1. If, within 15 months following the state's receipt of
1286 written notice from the Tribe, the Tribe's contention is deemed
1287 not to be well-founded at the conclusion of dispute resolution
1288 or new gaming is made illegal and is halted, then all funds
1289 being held in the escrow account shall be released to the state
1290 and all further payments due to the state pursuant to
1291 subsections (2) and (7) of Part XI shall promptly resume.

1292 2. If, after 15 months following the state's receipt of
1293 written notice from the Tribe, the Tribe's contention is deemed
1294 to be well-founded at the conclusion of dispute resolution and
1295 such gaming is not made illegal and halted, then all funds being
1296 held in escrow shall be returned to the Tribe and all further
1297 payments due to the state pursuant to subsections (2) and (7) of
1298 Part XI shall cease or be reduced as provided in subsection (2)
1299 until such gaming is no longer operated, in which event the
1300 payments shall promptly resume.

1301 (2) The following are exceptions to the exclusivity
1302 provisions of subsection (1):

1303 (a) Any Class III gaming authorized by a compact between



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1304 the state and any other federally recognized tribe pursuant to
1305 Indian Gaming Regulatory Act, provided that the tribe has land
1306 in federal trust in the state as of January 1, 2018.

1307 (b) The operation of slot machines, which does not include
1308 any game played with tangible playing cards, at each of the four
1309 currently operating licensed pari-mutuel facilities in Broward
1310 County and the four currently operating licensed pari-mutuel
1311 facilities in Miami-Dade County, whether or not currently
1312 operating slot machines, provided that such licenses are not
1313 transferred or otherwise used to move or operate such slot
1314 machines at any other location.

1315 (c)1. If state law is amended to allow for the play of any
1316 additional type of Class III or other casino-style gaming at any
1317 of the presently operating licensed pari-mutuel facilities in
1318 Broward and Miami-Dade Counties, the Tribe may be entitled to a
1319 reduction in the revenue sharing payment as described in
1320 subparagraph 2.

1321 2. If the Tribe's annual net win from its facilities
1322 located in Broward County for the 12 month period after the
1323 gaming specified in subparagraph 1. begins to be offered for
1324 public or private use is less than the net revenue base, the
1325 revenue share payments due to the state, pursuant to paragraph
1326 (2) (b) of Part XI, for the next revenue sharing cycle and future
1327 revenue sharing cycles shall be calculated by reducing the
1328 Tribe's payment on revenue generated from its facilities in
1329 Broward County by 50 percent of that reduction in annual net win
1330 from its facilities in Broward County. This paragraph does not
1331 apply if the decline in net win is due to acts of God, war,
1332 terrorism, fires, floods, or accidents causing damage to or



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1333 destruction of one or more of its facilities or property
1334 necessary to operate the facility or facilities.

1335 3. If the Tribe's annual net win from its facilities
1336 located in Broward County subsequently equals or exceeds the net
1337 revenue base, then the Tribe's payments due to the state
1338 pursuant to paragraph (2) (b) of Part XI shall again be
1339 calculated without any reduction, but may be reduced again under
1340 the provisions set forth in subparagraph 2.

1341 (d) If state law is amended to allow the play of Class III
1342 gaming or other casino-style gaming, as defined in this part, at
1343 any location in Miami-Dade County or Broward County under the
1344 jurisdiction of the state that is not presently licensed for the
1345 play of such games at such locations, other than those
1346 facilities set forth in paragraph (c) and this paragraph, and
1347 such games were not in play as of January 1, 2018, and such
1348 gaming begins to be offered for public or private use, the
1349 payments due the state pursuant to subparagraph (c)2., shall be
1350 calculated by excluding the net win from the Tribe's facilities
1351 in Broward County.

1352 (e) The operation of a combined total of not more than 350
1353 historic racing machines, connected to a central server at that
1354 facility, and electronic bingo machines at each pari-mutuel
1355 facility licensed as of January 1, 2018, and not located in
1356 either Broward County or Miami-Dade County.

1357 (f) The operation of pari-mutuel wagering activities at
1358 pari-mutuel facilities licensed by the state.

1359 (g) The operation by the Department of the Lottery of those
1360 types of lottery games authorized under chapter 24 as of January
1361 1, 2018, but not including any player-activated or operated



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1362 machine or device other than a lottery vending machine or any
1363 banked or banking card or table game. However, not more than ten
1364 lottery vending machines may be installed at any facility or
1365 location and no lottery vending machine that dispenses
1366 electronic instant tickets may be installed at any licensed
1367 pari-mutuel facility.

1368 (h) The operation of games of poker, including designated
1369 player games of poker, as authorized by chapter 849 as of
1370 January 1, 2019.

1371 (i) The operation of games permitted by chapters 546 and
1372 849, Florida Statutes, as of January 1, 2019.

1373 (j) The following events shall not trigger any remedy under
1374 this compact and do not affect the exclusivity provisions of
1375 this compact:

1376 1. Any change to the tax rate paid to the state by the
1377 licensed pari-mutuel permitholders for the operation of slot
1378 machines, provided the effective tax rate is not less than 25
1379 percent. If the effective tax rate is less than 25 percent, then
1380 the Tribe shall be relieved of its obligations to make the
1381 guaranteed minimum compact term payment and any further
1382 guaranteed revenue sharing cycle payment, but instead shall make
1383 payments to the state for all future revenue sharing cycles
1384 based on the percentage payments set forth in paragraph (2)(c)
1385 of Part XI, but shall be permitted to exclude all revenue
1386 generated by slot machines at its facilities in Broward County;
1387 and

1388 2. Any change in state law that removes the requirement for
1389 pari-mutuel permitholders to conduct performances of live races
1390 or games in order to operate other authorized gaming activities.



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1391 (3) To the extent that the exclusivity provisions of this
1392 part are breached or otherwise violated and the Tribe's ongoing
1393 payment obligations to the state pursuant to subsections (2) and
1394 (7) of Part XI cease, any outstanding payments that would have
1395 been due the state from the Tribe's facilities before the breach
1396 or violation shall be made within 30 business days after the
1397 breach or violation.

1398 (4) The breach of this part's exclusivity provisions and
1399 the cessation of payments pursuant to subsections (2) and (7) of
1400 Part XI shall not excuse the Tribe from continuing to comply
1401 with all other provisions of this compact, including continuing
1402 to pay the state the annual oversight assessment as set forth in
1403 subsection (6) of Part XI.

1404
1405 PART XIII
1406

1407 DISPUTE RESOLUTION.—In the event that the Tribe or State
1408 believes that the other party has failed to comply with any
1409 requirements of this compact, or in the event of any dispute
1410 hereunder, including, but not limited to, a dispute over the
1411 proper interpretation of the terms and conditions of this
1412 compact, the goal of the parties is to resolve all disputes
1413 amicably and voluntarily whenever possible. In pursuit of this
1414 goal, the following procedures may be invoked:

1415 (1) A party asserting noncompliance or seeking an
1416 interpretation of this compact first shall serve written notice
1417 on the other party. The notice shall identify the specific
1418 compact provision alleged to have been violated or in dispute
1419 and shall specify in detail the asserting party's contention and



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1420 any factual basis for the claim. Representatives of the Tribe
1421 and state shall meet within 30 calendar days after receipt of
1422 notice in an effort to resolve the dispute, unless they mutually
1423 agree to extend this period.

1424 (2) A party asserting noncompliance or seeking an
1425 interpretation of this compact under this part shall be deemed
1426 to have certified that to the best of the party's knowledge,
1427 information, and belief formed after reasonable inquiry, the
1428 claim of noncompliance or the request for interpretation of this
1429 compact is warranted and made in good faith and not for any
1430 improper purpose, such as to harass or to cause unnecessary
1431 delay or the needless incurring of the cost of resolving the
1432 dispute.

1433 (3) If the parties are unable to resolve a dispute through
1434 the process specified in subsections (1) and (2), either party
1435 may call for mediation under the Commercial Mediation Procedures
1436 of the American Arbitration Association or any successor
1437 procedures, provided that such mediation does not last more than
1438 60 calendar days, unless an extension to this time limit is
1439 negotiated by the parties. Only matters arising under the terms
1440 of this compact may be available for resolution through
1441 mediation. If the parties are unable to resolve a dispute
1442 through the process specified in this part, notwithstanding any
1443 other provision of law, either party may bring an action in a
1444 United States District Court having venue regarding a dispute
1445 arising under this compact. If the court declines to exercise
1446 jurisdiction, or federal precedent exists that holds that the
1447 court would not have jurisdiction over such a dispute, either
1448 party may bring the action in the appropriate court of the



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1449 Seventeenth Judicial Circuit in Broward County, Florida. The
1450 parties are entitled to all rights of appeal permitted by law in
1451 the court system in which the action is brought.

1452 (4) For purposes of actions based on disputes between the
1453 state and the Tribe that arise under this compact and the
1454 enforcement of any judgment resulting from such action, the
1455 Tribe and the state each expressly waive the right to assert
1456 sovereign immunity from suit and from enforcement of any ensuing
1457 judgment, and further consent to be sued in federal or state
1458 court, including the right of appeal specified above, as the
1459 case may be, provided that:

1460 (a) The dispute is limited solely to issues arising under
1461 this compact.

1462 (b) There is no claim for monetary damages, except that
1463 payment of any money required by the terms of this compact, as
1464 well as injunctive relief or specific performance enforcing a
1465 provision of this compact requiring the payment of money to the
1466 state may be sought.

1467 (c) Nothing herein shall be construed to constitute a
1468 waiver of the sovereign immunity of the Tribe with respect to
1469 any third party that is made a party or intervenes as a party to
1470 the action. In the event that intervention, joinder, or other
1471 participation by any additional party in any action between the
1472 state and the Tribe would result in the waiver of the Tribe's
1473 sovereign immunity as to that additional party, the waiver of
1474 the Tribe may be revoked.

1475 (5) The state may not be precluded from pursuing any
1476 mediation or judicial remedy against the Tribe on the grounds
1477 that the state has failed to exhaust its Tribal administrative



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1478 remedies.

1479 (6) Notwithstanding any other provision of this part, any
1480 failure of the Tribe to remit the payments pursuant to the terms
1481 of Part XI entitles the state to seek injunctive relief in
1482 federal or state court, at the state's election, to compel the
1483 payments after the dispute resolution process in subsections (1)
1484 and (2) is exhausted.

1485
1486 PART XIV

1487
1488 CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.-

1489 (1) Each provision of this compact shall stand separate and
1490 independent of every other provision. In the event that a
1491 federal district court in Florida or other court of competent
1492 jurisdiction shall find any provision of this compact to be
1493 invalid, the remaining provisions shall remain in full force and
1494 effect, provided that severing the invalidated provision does
1495 not undermine the overall intent of the parties in entering into
1496 this compact. However, if subsection (6) of Part III, Part XI,
1497 or Part XII are held by a court of competent jurisdiction to be
1498 invalid, this compact will become null and void.

1499 (2) It is understood that Part XII, which provides for a
1500 cessation of the payments to the state under Part XI, does not
1501 create any duty on the state but only a remedy for the Tribe if
1502 gaming under state jurisdiction is expanded.

1503 (3) This compact is intended to meet the requirements of
1504 the Indian Gaming Regulatory Act as it reads on the effective
1505 date of this compact, and where reference is made to the Indian
1506 Gaming Regulatory Act, or to an implementing regulation thereof,



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1507 the reference is deemed to have been incorporated into this
1508 document. Subsequent changes to the Indian Gaming Regulatory Act
1509 that diminish the rights of the state or Tribe may not be
1510 applied retroactively to alter the terms of this compact, except
1511 to the extent that federal law validly mandates that retroactive
1512 application without the respective consent of the state or the
1513 Tribe. In the event that a subsequent change in the Indian
1514 Gaming Regulatory Act, or to an implementing regulation thereof,
1515 mandates retroactive application without the respective consent
1516 of the state or the Tribe, the parties agree that this compact
1517 is voidable by either party if the subsequent change materially
1518 alters the provisions in the compact relating to the play of
1519 covered games, revenue sharing payments, suspension or reduction
1520 of payments, or exclusivity.

1521 (4) Neither the presence of language that is not included
1522 in this compact, nor the absence in this compact of language
1523 that is present in another state-tribal compact shall be a
1524 factor in construing the terms of this compact.

1525 (5) The Tribe and the state shall defend the validity of
1526 this compact.

1527 (6) The parties shall cooperate in seeking approval of this
1528 compact from the Secretary of the Department of the Interior.

1529

1530 PART XV

1531

1532 NOTICES.—All notices required under this compact shall be
1533 given by certified mail, return receipt requested, commercial
1534 overnight courier service, or personal delivery, to the
1535 Governor, the President of the Senate, the Speaker of the House



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1536 of Representatives, and the Chairman and General Counsel of the
1537 Seminole Tribe of Florida.

1538

1539 PART XVI

1540

1541 EFFECTIVE DATE AND TERM.—

1542 (1) This compact, if identical to the version ratified by
1543 the Legislature in s. 285.710(3)(c), Florida Statutes, in 2018,
1544 shall become effective upon its approval as a tribal-state
1545 compact within the meaning of the Indian Gaming Regulatory Act
1546 either by action of the Secretary of the Department of the
1547 Interior or by operation of law under 25 U.S.C. s. 2710(d)(8)
1548 upon publication of a notice of approval in the Federal Register
1549 under 25 U.S.C. s. 2710(d)(8)(D).

1550 (2) This compact shall have a term of twenty years
1551 beginning on the first day of the month following the month in
1552 which the compact becomes effective under subsection (1).

1553 (3) The Tribe's authorization to offer covered games under
1554 this compact shall automatically terminate twenty years after
1555 the effective date unless renewed by an affirmative act of the
1556 Legislature.

1557

1558 PART XVII

1559

1560 AMENDMENT OF COMPACT AND REFERENCES.—

1561 (1) Amendment of this compact may only be made by written
1562 agreement of the parties, subject to approval by the Secretary
1563 of the Department of the Interior, either by publication of the
1564 notice of approval in the Federal Register or by operation of



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1565 law under 25 U.S.C. s. 2710(d)(8).

1566 (2) Legislative ratification is required for any amendment
1567 to the compact that alters the provisions relating to covered
1568 games, the amount of revenue sharing payments, suspension or
1569 reduction in payments, or exclusivity.

1570 (3) Changes in the provisions of tribal ordinances,
1571 regulations, and procedures referenced in this compact may be
1572 made by the Tribe with 30 days' advance notice to the state. If
1573 the state has an objection to any change to the tribal
1574 ordinance, regulation, or procedure which is the subject of the
1575 notice on the ground that its adoption would be a violation of
1576 the Tribe's obligations under this compact, the state may invoke
1577 the dispute resolution provisions provided in Part XIII.

1578
1579 PART XVIII

1580
1581 MISCELLANEOUS.—

1582 (1) Except to the extent expressly provided in this
1583 compact, this compact is not intended to, and shall not be
1584 construed to, create any right on the part of a third party to
1585 bring an action to enforce any of its terms.

1586 (2) If, after the effective date of this compact, the state
1587 enters into a compact with any other Tribe that contains more
1588 favorable terms with respect to the provisions of this Compact
1589 and the Secretary of the Department of the Interior approves
1590 such compact, either by publication of the notice of approval in
1591 the Federal Register or by operation of law under 25 U.S.C. s.
1592 2710(d)(8), upon tribal notice to the state and the Secretary,
1593 this compact shall be deemed amended to contain the more



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1594 favorable terms, unless the state objects to the change and can
1595 demonstrate, in a proceeding commenced under Part XIII, that the
1596 terms in question are not more favorable.

1597 (3) Upon the occurrence of certain events beyond the
1598 Tribe's control, including acts of God, war, terrorism, fires,
1599 floods, or accidents causing damage to or destruction of one or
1600 more of its facilities or property necessary to operate the
1601 facility or facilities, the Tribe's obligation to pay the
1602 guaranteed minimum compact term payment described in Part XI
1603 shall be reduced pro rata to reflect the percentage of the total
1604 net win lost to the Tribe from the impacted facility or
1605 facilities and the net win specified under subsection (2) of
1606 Part XII for purposes of determining whether the Tribe's
1607 payments described in Part XI shall cease, shall be reduced pro
1608 rata to reflect the percentage of the total net win lost to the
1609 Tribe from the impacted facility or facilities. The foregoing
1610 shall not excuse any obligations of the Tribe to make payments
1611 to the state as and when required hereunder or in any related
1612 document or agreement.

1613 (4) The Tribe and the state recognize that opportunities to
1614 engage in gaming in smoke-free or reduced-smoke environments
1615 provides both health and other benefits to patrons, and the
1616 Tribe has instituted a nonsmoking section at its Seminole Hard
1617 Rock Hotel & Casino-Hollywood Facility. As part of its
1618 continuing commitment to this issue, the Tribe shall:

1619 (a) Install and utilize a ventilation system at all new
1620 construction at its facilities, which system exhausts tobacco
1621 smoke to the extent reasonably feasible under existing state-of-
1622 the-art technology.



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1623 (b) Designate a smoke-free area for slot machines at all
1624 new construction at its facilities.

1625 (c) Install nonsmoking, vented tables for table games
1626 installed in its facilities sufficient to reasonably respond to
1627 demand for such tables.

1628 (d) Designate a nonsmoking area for gaming within all of
1629 its facilities within five years after the effective date of the
1630 compact.

1631 (5) The annual average minimum pay-out of all slot machines
1632 in each facility may not be less than 85 percent.

1633 (6) Nothing in this compact shall alter any of the existing
1634 memoranda of understanding, contracts, or other agreements
1635 entered into between the Tribe and any other federal, state, or
1636 local governmental entity.

1637 (7) The Tribe currently has, as set forth in its Employee
1638 Fair Treatment and Dispute Resolution Policy, and agrees to
1639 maintain, standards that are comparable to the standards
1640 provided in federal laws and state laws forbidding employers
1641 from discrimination in connection with the employment of persons
1642 working at the facilities on the basis of race, color, religion,
1643 national origin, gender, age, disability, or marital status.
1644 Nothing herein shall preclude the Tribe from giving preference
1645 in employment, promotion, seniority, lay-offs, or retention to
1646 members of the Tribe and other federally recognized tribes.

1647 (8) The Tribe shall, with respect to any facility where
1648 covered games are played, adopt and comply with tribal
1649 requirements that meet the same minimum state requirements
1650 applicable to businesses in the state with respect to
1651 environmental and building standards.



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PART XIX

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

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

285.712 Tribal-state gaming compacts.—

(4) Upon execution receipt of an act ratifying a tribal-state compact entered pursuant to s. 285.710(3)(b), the Governor shall provide a copy to the Secretary of State who shall forward a copy of the executed compact and the ratifying act to the United States Secretary of the Interior for his or her review



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1681 and approval, in accordance with 25 U.S.C. s. 2710(d)(8)
1682 ~~2710(8)(d)~~.

1683 Section 3. Section 546.13, Florida Statutes, is created to
1684 read:

1685 546.13 Fantasy contests and fantasy contest operators.-

1686 (1) DEFINITIONS.-As used in this section, the term:

1687 (a) "Entry fee" means cash or a cash equivalent that is
1688 required to be paid by a participant in order to participate in
1689 a fantasy contest.

1690 (b) "Fantasy contest" means a fantasy or simulated game or
1691 contest in which:

1692 1. The value of all prizes and awards offered to winning
1693 participants is established and made known to the participants
1694 in advance of the contest;

1695 2. All winning outcomes reflect the relative knowledge and
1696 skill of the participants and are determined predominantly by
1697 accumulated statistical results of the performance of
1698 individuals, including athletes in the case of sporting events;

1699 3. No winning outcome is based on the score, point spread,
1700 or any performance or performances of any single actual team or
1701 combination of such teams, solely on any single performance of
1702 an individual athlete or player in any single actual event, or
1703 on the performances of participants in collegiate, high school,
1704 or youth sporting events.

1705 (c) "Fantasy contest operator" means a person or an entity,
1706 including any employee or agent, that offers or conducts a
1707 fantasy contest with an entry fee for a cash prize or award and
1708 that is not a participant in the fantasy contest.

1709 (2) EXEMPTIONS.-The Department of Business and Professional



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1710 Regulation may not regulate and the offenses established in s.
1711 849.01, s. 849.08, s. 849.09, s. 849.11, s. 849.14, and s.
1712 849.25 do not include or apply to a fantasy contest operated or
1713 conducted by a:

1714 (a) Fantasy contest operator.

1715 (b) Natural person who is a participant in the fantasy
1716 contest, serves as the commissioner of not more than 10 fantasy
1717 contests in a calendar year, and distributes all entry fees for
1718 the fantasy contest as prizes or awards to the participants in
1719 that fantasy contest.

1720 Section 4. Subsections (1) and (3) of section 550.01215,
1721 Florida Statutes, are amended to read:

1722 550.01215 License application; periods of operation; bond,
1723 conversion of permit.-

1724 (1) Each permitholder shall annually, during the period
1725 between December 15 and January 4, file in writing with the
1726 division its application for an operating a license to conduct
1727 pari-mutuel wagering during the next state fiscal year,
1728 including intertrack and simulcast race wagering for greyhound
1729 racing permitholders, harness horse racing permitholders, and
1730 quarter horse racing permitholders that do not ~~to~~ conduct live
1731 performances during the next state fiscal year. Each application
1732 for live performances must ~~shall~~ specify the number, dates, and
1733 starting times of all live performances that ~~which~~ the
1734 permitholder intends to conduct. It must ~~shall~~ also specify
1735 which performances will be conducted as charity or scholarship
1736 performances.

1737 (a) ~~In addition,~~ Each application for an operating a
1738 license also must ~~shall~~ include: r



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1739 1. For each permitholder, whether the permitholder intends
1740 to accept wagers on intertrack or simulcast events.

1741 2. For each permitholder that elects ~~which elects~~ to
1742 operate a cardroom, the dates and periods of operation the
1743 permitholder intends to operate the cardroom. ~~or,~~

1744 3. For each thoroughbred racing permitholder that ~~which~~
1745 elects to receive or rebroadcast out-of-state races after 7
1746 p.m., the dates for all performances which the permitholder
1747 intends to conduct.

1748 (b) A greyhound racing permitholder that conducted a full
1749 schedule of live racing for a period of at least 10 consecutive
1750 state fiscal years after the 1996-1997 state fiscal year, or
1751 that converted its permit to a permit to conduct greyhound
1752 racing after the 1996-1997 state fiscal year, may specify in its
1753 application for an operating license that it does not intend to
1754 conduct live racing, or that it intends to conduct less than a
1755 full schedule of live racing, in the next state fiscal year. A
1756 greyhound racing permitholder may retain its permit; is a pari-
1757 mutuel facility as defined in s. 550.002(23); if such
1758 permitholder has been issued a slot machine license, the
1759 facility where such permit is located remains an eligible
1760 facility as defined in s. 551.102(4), continues to be eligible
1761 for a slot machine license, and is exempt from ss. 551.104(3)
1762 and (4)(c)1. and 551.114(2) and (4); is eligible, but not
1763 required, to be a guest track for purposes of intertrack
1764 wagering and simulcasting pursuant to ss. 550.3551, 550.615, and
1765 550.6305; and remains eligible for a cardroom license
1766 notwithstanding any requirement in s. 849.086 for the conduct of
1767 live performances. A greyhound racing permitholder may receive



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1768 an operating license to conduct pari-mutuel wagering activities
1769 at another permitholder's greyhound racing facility pursuant to
1770 s. 550.475.

1771 (c) A harness horse racing permitholder or a quarter horse
1772 racing permitholder that has conducted live racing for at least
1773 5 years irrevocably may elect not to conduct live racing if the
1774 election is made within 30 days after the effective date of this
1775 act. A permitholder that makes such election may retain its
1776 permit; is a pari-mutuel facility as defined in s. 550.002(23);
1777 if such permitholder has been issued a slot machine license, the
1778 facility where such permit is located remains an eligible
1779 facility as defined in s. 551.102(4), continues to be eligible
1780 for a slot machine license, and is exempt from ss. 551.104(3)
1781 and (4)(c)1. and 551.114(2) and (4); is eligible, but not
1782 required, to be a guest track and, if the permitholder is a
1783 harness horse racing permitholder, to be a host track for
1784 purposes of intertrack wagering and simulcasting pursuant to ss.
1785 550.3551, 550.615, 550.625, and 550.6305; and remains eligible
1786 for a cardroom license notwithstanding any requirement in s.
1787 849.086 to conduct live performances.

1788 (d) Permitholders ~~may~~ shall be entitled to amend their
1789 applications through February 28.

1790 (3) The division shall issue each license no later than
1791 March 15. Each permitholder shall operate all performances at
1792 the date and time specified on its license. The division shall
1793 have the authority to approve minor changes in racing dates
1794 after a license has been issued. The division may approve
1795 changes in racing dates after a license has been issued when
1796 there is no objection from any operating permitholder located



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1797 within 50 miles of the permitholder requesting the changes in
1798 operating dates. In the event of an objection, the division
1799 shall approve or disapprove the change in operating dates based
1800 upon the impact on operating permitholders located within 50
1801 miles of the permitholder requesting the change in operating
1802 dates. In making the determination to change racing dates, the
1803 division shall take into consideration the impact of such
1804 changes on state revenues. Notwithstanding any other provision
1805 of law, and for the 2018-2019 fiscal year only, the division may
1806 approve changes in racing dates for permitholders if the request
1807 for such changes is received before May 31, 2018.

1808 Section 5. Subsections (9), (13), (14), and paragraph (a)
1809 of subsection (11) of section 550.054, Florida Statutes, are
1810 amended to read:

1811 550.054 Application for permit to conduct pari-mutuel
1812 wagering.—

1813 (9) (a) After a permit has been granted by the division and
1814 has been ratified and approved by the majority of the electors
1815 participating in the election in the county designated in the
1816 permit, the division shall grant to the lawful permitholder,
1817 subject to the conditions of this chapter, a license to conduct
1818 pari-mutuel operations under this chapter, and, except as
1819 provided in s. 550.5251, the division shall fix annually the
1820 time, place, and number of days during which pari-mutuel
1821 operations may be conducted by the permitholder at the location
1822 fixed in the permit and ratified in the election. After the
1823 first license has been issued to the holder of a ratified permit
1824 for racing in any county, all subsequent annual applications for
1825 a license by that permitholder must be accompanied by proof, in



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1826 such form as the division requires, that the ratified
1827 permitholder still possesses all the qualifications prescribed
1828 by this chapter and that the permit has not been recalled at a
1829 later election held in the county.

1830 (b) The division may revoke or suspend any permit or
1831 license issued under this chapter upon a the willful violation
1832 by the permitholder or licensee of any provision of chapter 551,
1833 chapter 849, or this chapter or rules of any rule adopted
1834 pursuant to those chapters. With the exception of the revocation
1835 of permits required in paragraphs (c) and (e) under this
1836 chapter. In lieu of suspending or revoking a permit or license,
1837 the division, in lieu of suspending or revoking a permit or
1838 license, may impose a civil penalty against the permitholder or
1839 licensee for a violation of this chapter or rules adopted
1840 pursuant thereto any rule adopted by the division. The penalty
1841 so imposed may not exceed \$1,000 for each count or separate
1842 offense. All penalties imposed and collected must be deposited
1843 with the Chief Financial Officer to the credit of the General
1844 Revenue Fund.

1845 (c)1. The division shall revoke the permit of any
1846 permitholder that fails to make payments due pursuant to chapter
1847 550, chapter 551, or s. 849.086 for more than 24 consecutive
1848 months unless such failure was the direct result of fire,
1849 strike, war, or other disaster or event beyond the
1850 permitholder's control. Financial hardship to the permitholder
1851 does not, in and of itself, constitute just cause for failure to
1852 make payments.

1853 2. The division shall revoke the permit of any permitholder
1854 that has not obtained an operating license in accordance with s.



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1855 550.01215 for a period of more than 24 consecutive months after
1856 June 30, 2012. The division shall revoke the permit upon
1857 adequate notice to the permitholder. Financial hardship to the
1858 permitholder does not, in and of itself, constitute just cause
1859 for failure to operate.

1860 (d) A new permit to conduct pari-mutuel wagering may not be
1861 approved or issued after January 1, 2018.

1862 (e) A permit revoked under this subsection is void and may
1863 not be reissued.

1864 (11) (a) A permit granted under this chapter may not be
1865 transferred or assigned except upon written approval by the
1866 division pursuant to s. 550.1815, ~~except that the holder of any~~
1867 ~~permit that has been converted to a jai alai permit may lease or~~
1868 ~~build anywhere within the county in which its permit is located.~~

1869 (13) ~~(a)~~ Notwithstanding any provisions of this chapter or
1870 chapter 551, a pari-mutuel no thoroughbred horse racing permit
1871 or license issued under this chapter may not shall be
1872 transferred, or reissued when such reissuance is in the nature
1873 of a transfer so as to permit or authorize a licensee to change
1874 the location of a pari-mutuel facility, or a cardroom or slot
1875 machine facility, except through the relocation of the pari-
1876 mutuel permit pursuant to s. 550.0555 thoroughbred horse
1877 ~~racetrack except upon proof in such form as the division may~~
1878 ~~prescribe that a referendum election has been held:~~

1879 ~~1. If the proposed new location is within the same county~~
1880 ~~as the already licensed location, in the county where the~~
1881 ~~licensee desires to conduct the race meeting and that a majority~~
1882 ~~of the electors voting on that question in such election voted~~
1883 ~~in favor of the transfer of such license.~~



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1884 ~~2. If the proposed new location is not within the same~~
1885 ~~county as the already licensed location, in the county where the~~
1886 ~~licensee desires to conduct the race meeting and in the county~~
1887 ~~where the licensee is already licensed to conduct the race~~
1888 ~~meeting and that a majority of the electors voting on that~~
1889 ~~question in each such election voted in favor of the transfer of~~
1890 ~~such license.~~

1891 ~~(b) Each referendum held under the provisions of this~~
1892 ~~subsection shall be held in accordance with the electoral~~
1893 ~~procedures for ratification of permits, as provided in s.~~
1894 ~~550.0651. The expense of each such referendum shall be borne by~~
1895 ~~the licensee requesting the transfer.~~

1896 ~~(14)(a) Notwithstanding any other provision of law, a pari-~~
1897 ~~mutuel permit, cardroom, or slot machine facility may not be~~
1898 ~~relocated, and a pari-mutuel permit may not be converted to~~
1899 ~~another class of permit. Any holder of a permit to conduct jai~~
1900 ~~alai may apply to the division to convert such permit to a~~
1901 ~~permit to conduct greyhound racing in lieu of jai alai if:~~

1902 ~~1. Such permit is located in a county in which the division~~
1903 ~~has issued only two pari-mutuel permits pursuant to this~~
1904 ~~section;~~

1905 ~~2. Such permit was not previously converted from any other~~
1906 ~~class of permit; and~~

1907 ~~3. The holder of the permit has not conducted jai alai~~
1908 ~~games during a period of 10 years immediately preceding his or~~
1909 ~~her application for conversion under this subsection.~~

1910 ~~(b) The division, upon application from the holder of a jai~~
1911 ~~alai permit meeting all conditions of this section, shall~~
1912 ~~convert the permit and shall issue to the permitholder a permit~~



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1913 ~~to conduct greyhound racing. A permit holder of a permit~~
1914 ~~converted under this section shall be required to apply for and~~
1915 ~~conduct a full schedule of live racing each fiscal year to be~~
1916 ~~eligible for any tax credit provided by this chapter. The holder~~
1917 ~~of a permit converted pursuant to this subsection or any holder~~
1918 ~~of a permit to conduct greyhound racing located in a county in~~
1919 ~~which it is the only permit issued pursuant to this section who~~
1920 ~~operates at a leased facility pursuant to s. 550.475 may move~~
1921 ~~the location for which the permit has been issued to another~~
1922 ~~location within a 30-mile radius of the location fixed in the~~
1923 ~~permit issued in that county, provided the move does not cross~~
1924 ~~the county boundary and such location is approved under the~~
1925 ~~zoning regulations of the county or municipality in which the~~
1926 ~~permit is located, and upon such relocation may use the permit~~
1927 ~~for the conduct of pari-mutuel wagering and the operation of a~~
1928 ~~cardroom. The provisions of s. 550.6305(9)(d) and (f) shall~~
1929 ~~apply to any permit converted under this subsection and shall~~
1930 ~~continue to apply to any permit which was previously included~~
1931 ~~under and subject to such provisions before a conversion~~
1932 ~~pursuant to this section occurred.~~

1933 Section 6. Section 550.0745, Florida Statutes, is repealed.

1934 Section 7. Subsection (3) of section 550.09512, Florida
1935 Statutes, is amended to read:

1936 550.09512 Harness horse taxes; abandoned interest in a
1937 permit for nonpayment of taxes.-

1938 (3)(a) The division shall revoke the permit of a harness
1939 horse racing permit holder who does not pay tax on handle for
1940 live harness horse performances for a full schedule of live
1941 races for more than 24 consecutive months during any 2



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1942 ~~consecutive state fiscal years shall be void and shall escheat~~
1943 ~~to and become the property of the state unless such failure to~~
1944 ~~operate and pay tax on handle was the direct result of fire,~~
1945 ~~strike, war, or other disaster or event beyond the ability of~~
1946 ~~the permitholder to control. Financial hardship to the~~
1947 ~~permitholder does ~~shall~~ not, in and of itself, constitute just~~
1948 ~~cause for failure to operate and pay tax on handle. A permit~~
1949 ~~revoked under this subsection is void and may not be reissued.~~

1950 ~~(b) In order to maximize the tax revenues to the state, the~~
1951 ~~division shall reissue an escheated harness horse permit to a~~
1952 ~~qualified applicant pursuant to the provisions of this chapter~~
1953 ~~as for the issuance of an initial permit. However, the~~
1954 ~~provisions of this chapter relating to referendum requirements~~
1955 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
1956 ~~escheated harness horse permit. As specified in the application~~
1957 ~~and upon approval by the division of an application for the~~
1958 ~~permit, the new permitholder shall be authorized to operate a~~
1959 ~~harness horse facility anywhere in the same county in which the~~
1960 ~~escheated permit was authorized to be operated, notwithstanding~~
1961 ~~the provisions of s. 550.054(2) relating to mileage limitations.~~

1962 Section 8. Subsections (3) and (7) of section 550.09515,
1963 Florida Statutes, are amended to read:

1964 550.09515 Thoroughbred horse taxes; abandoned interest in a
1965 permit for nonpayment of taxes.-

1966 (3) ~~(a)~~ The division shall revoke the permit of a
1967 thoroughbred racing horse permitholder that ~~who~~ does not pay tax
1968 on handle for live thoroughbred horse performances for a full
1969 schedule of live races for more than 24 consecutive months
1970 ~~during any 2 consecutive state fiscal years shall be void and~~



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1971 ~~shall escheat to and become the property of the state unless~~
1972 ~~such failure to operate and pay tax on handle was the direct~~
1973 ~~result of fire, strike, war, or other disaster or event beyond~~
1974 ~~the ability of the permitholder to control. Financial hardship~~
1975 ~~to the permitholder does shall not, in and of itself, constitute~~
1976 ~~just cause for failure to operate and pay tax on handle. A~~
1977 ~~permit revoked under this subsection is void and may not be~~
1978 ~~reissued.~~

1979 ~~(b) In order to maximize the tax revenues to the state, the~~
1980 ~~division shall reissue an escheated thoroughbred horse permit to~~
1981 ~~a qualified applicant pursuant to the provisions of this chapter~~
1982 ~~as for the issuance of an initial permit. However, the~~
1983 ~~provisions of this chapter relating to referendum requirements~~
1984 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
1985 ~~escheated thoroughbred horse permit. As specified in the~~
1986 ~~application and upon approval by the division of an application~~
1987 ~~for the permit, the new permitholder shall be authorized to~~
1988 ~~operate a thoroughbred horse facility anywhere in the same~~
1989 ~~county in which the escheated permit was authorized to be~~
1990 ~~operated, notwithstanding the provisions of s. 550.054(2)~~
1991 ~~relating to mileage limitations.~~

1992 ~~(7) If a thoroughbred permitholder fails to operate all~~
1993 ~~performances on its 2001-2002 license, failure to pay tax on~~
1994 ~~handle for a full schedule of live races for those performances~~
1995 ~~in the 2001-2002 fiscal year does not constitute failure to pay~~
1996 ~~taxes on handle for a full schedule of live races in a fiscal~~
1997 ~~year for the purposes of subsection (3). This subsection may not~~
1998 ~~be construed as forgiving a thoroughbred permitholder from~~
1999 ~~paying taxes on performances conducted at its facility pursuant~~



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2000 ~~to its 2001-2002 license other than for failure to operate all~~
2001 ~~performances on its 2001-2002 license. This subsection expires~~
2002 ~~July 1, 2003.~~

2003 Section 9. Section 550.3345, Florida Statutes, is amended
2004 to read:

2005 550.3345 ~~Conversion of quarter horse permit to a~~ Limited
2006 thoroughbred racing permit.-

2007 (1) In recognition of the important and long-standing
2008 economic contribution of the thoroughbred horse breeding
2009 industry to this state and the state's vested interest in
2010 promoting the continued viability of this agricultural activity,
2011 the state intends to provide a limited opportunity for the
2012 conduct of live thoroughbred horse racing with the net revenues
2013 from such racing dedicated to the enhancement of thoroughbred
2014 purses and breeders', stallion, and special racing awards under
2015 this chapter; the general promotion of the thoroughbred horse
2016 breeding industry; and the care in this state of thoroughbred
2017 horses retired from racing.

2018 (2) A limited thoroughbred racing permit previously
2019 converted from ~~Notwithstanding any other provision of law, the~~
2020 ~~holder of a quarter horse racing permit pursuant to chapter~~
2021 2010-29, Laws of Florida, issued under s. 550.334 may only be
2022 held by, ~~within 1 year after the effective date of this section,~~
2023 ~~apply to the division for a transfer of the quarter horse racing~~
2024 ~~permit to a not-for-profit corporation formed under state law to~~
2025 serve the purposes of the state as provided in subsection (1).
2026 The board of directors of the not-for-profit corporation must be
2027 composed ~~comprised~~ of 11 members, 4 of whom shall be designated
2028 by the applicant, 4 of whom shall be designated by the Florida



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2029 Thoroughbred Breeders' Association, and 3 of whom shall be
2030 designated by the other 8 directors, with at least 1 of these 3
2031 members being an authorized representative of another
2032 thoroughbred racing permitholder in this state. A limited
2033 thoroughbred racing ~~The not-for-profit corporation shall submit~~
2034 ~~an application to the division for review and approval of the~~
2035 ~~transfer in accordance with s. 550.054. Upon approval of the~~
2036 ~~transfer by the division, and notwithstanding any other~~
2037 ~~provision of law to the contrary, the not-for-profit corporation~~
2038 ~~may, within 1 year after its receipt of the permit, request that~~
2039 ~~the division convert the quarter horse racing permit to a permit~~
2040 ~~authorizing the holder to conduct pari-mutuel wagering meets of~~
2041 ~~thoroughbred racing. Neither the transfer of the quarter horse~~
2042 ~~racing permit nor its conversion to a limited thoroughbred~~
2043 ~~permit shall be subject to the mileage limitation or the~~
2044 ~~ratification election as set forth under s. 550.054(2) or s.~~
2045 ~~550.0651. Upon receipt of the request for such conversion, the~~
2046 ~~division shall timely issue a converted permit. The converted~~
2047 ~~permit and the not-for-profit corporation are ~~shall be~~ subject~~
2048 to the following requirements:

2049 (a) All net revenues derived by the not-for-profit
2050 corporation under the thoroughbred ~~horse~~ racing permit, after
2051 the funding of operating expenses and capital improvements,
2052 shall be dedicated to the enhancement of thoroughbred purses and
2053 breeders', stallion, and special racing awards under this
2054 chapter; the general promotion of the thoroughbred horse
2055 breeding industry; and the care in this state of thoroughbred
2056 horses retired from racing.

2057 (b) From December 1 through April 30, ~~ne~~ live thoroughbred



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2058 racing may not be conducted under the permit on any day during
2059 which another thoroughbred racing permitholder is conducting
2060 live thoroughbred racing within 125 air miles of the not-for-
2061 profit corporation's pari-mutuel facility unless the other
2062 thoroughbred racing permitholder gives its written consent.

2063 (c) ~~After the conversion of the quarter horse racing permit~~
2064 ~~and the~~ issuance of its initial license to conduct pari-mutuel
2065 wagering meets of thoroughbred racing, the not-for-profit
2066 corporation shall annually apply to the division for a license
2067 pursuant to s. 550.5251.

2068 (d) Racing under the permit may take place only at the
2069 location for which the original quarter horse racing permit was
2070 issued, which may be leased by the not-for-profit corporation
2071 for that purpose; ~~however, the not-for-profit corporation may,~~
2072 ~~without the conduct of any ratification election pursuant to s.~~
2073 ~~550.054(13) or s. 550.0651, move the location of the permit to~~
2074 ~~another location in the same county provided that such~~
2075 ~~relocation is approved under the zoning and land use regulations~~
2076 ~~of the applicable county or municipality.~~

2077 (e) A limited thoroughbred racing ~~no~~ permit may not be
2078 transferred ~~converted under this section is eligible for~~
2079 ~~transfer~~ to another person or entity.

2080 (3) Unless otherwise provided in this section, ~~after~~
2081 ~~conversion,~~ the permit and the not-for-profit corporation shall
2082 be treated under the laws of this state as a thoroughbred racing
2083 permit and as a thoroughbred racing permitholder, respectively,
2084 with the exception of ss. 550.054(9)(c) and 550.09515(3) ~~s.~~
2085 ~~550.09515(3)~~.

2086 Section 10. Paragraph (c) of subsection (4) of section



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2087 551.104, Florida Statutes, is amended to read:

2088 551.104 License to conduct slot machine gaming.—

2089 (4) As a condition of licensure and to maintain continued
2090 authority for the conduct of slot machine gaming, a the slot
2091 machine licensee shall:

2092 (c)1. Conduct no less fewer than a full schedule of live
2093 racing or games as defined in s. 550.002(11), unless conducting
2094 less than a full schedule of live racing or games pursuant to s.
2095 550.01215(1)(b) or (c). A permitholder's responsibility to
2096 conduct a full schedule such number of live races or games, as
2097 defined in s. 550.002(11), shall be reduced by the number of
2098 races or games that could not be conducted due to the direct
2099 result of fire, war, hurricane, or other disaster or event
2100 beyond the control of the permitholder. A permitholder may
2101 conduct live races or games at another pari-mutuel facility
2102 pursuant to s. 550.475 if such permitholder has operated its
2103 live races or games by lease for at least 5 consecutive years
2104 immediately prior to the permitholder's application for a slot
2105 machine license.

2106 2.a. If not licensed to conduct a full schedule of live
2107 racing or games, as defined in s. 550.002(11), pursuant to s.
2108 550.01215(1)(b) or (c), remit each month to each qualified
2109 thoroughbred permitholder, by electronic funds transfer, an
2110 amount equal to one-twelfth of the lesser of \$1.5 million or
2111 2.75 percent of its slot machine revenues from the previous
2112 state fiscal year, divided by the total number of qualified
2113 thoroughbred permitholders for the applicable state fiscal year.
2114 Qualified thoroughbred permitholders shall use such payments
2115 exclusively for purses and awards for live thoroughbred horse



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2116 races held at the qualified thoroughbred permitholder's racing
2117 facility. For the purposes of this subparagraph, the term
2118 "qualified thoroughbred permitholder" means a thoroughbred
2119 permitholder conducting, in the applicable state fiscal year, no
2120 less than a full schedule of live racing or games, as defined in
2121 s. 550.002(11), and no fewer live thoroughbred horse racing
2122 performances than such permitholder conducted in state fiscal
2123 year 2017-2018. The term does not include a permitholder whose
2124 permit was issued pursuant to s. 550.3345 or a permitholder
2125 leasing at another thoroughbred permitholder's facility pursuant
2126 to s. 550.475.

2127 b. The division shall notify each slot machine licensee
2128 required to remit such payments, not later than 15 days after
2129 issuing the slot machine license, of the qualified thoroughbred
2130 permitholders to which such payments must be paid. Each
2131 qualified thoroughbred permitholder shall provide each slot
2132 machine licensee required to remit payments pursuant to this
2133 subparagraph with written instructions for transmitting such
2134 electronic payments. Such payments shall be remitted to each
2135 qualified thoroughbred permitholder on the fifth day of each
2136 calendar month. If the fifth day of the calendar month falls on
2137 a weekend, such payment shall be remitted on the first Monday
2138 following the weekend.

2139 c. A qualified thoroughbred permitholder receiving funds
2140 under this subparagraph shall remit, within 10 days after
2141 receipt, 10 percent of those funds to the Florida Thoroughbred
2142 Breeders' Association, Inc., for the payment of breeders',
2143 stallion, and special racing awards, subject to the fee
2144 authorized in s. 550.2625(3).



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2145 Section 11. Subsections (1), (2), and (4) of section
2146 551.106, Florida Statutes, are amended to read:

2147 551.106 License fee; tax rate; penalties.—

2148 (1) LICENSE FEE.—

2149 ~~(a) Upon submission of the initial application for a slot~~
2150 ~~machine license, and annually thereafter, on the anniversary~~
2151 ~~date of the issuance of the initial license, the licensee must~~
2152 ~~pay to the division a nonrefundable license fee of \$3 million~~
2153 ~~for the succeeding 12 months of licensure. In the 2010-2011~~
2154 ~~fiscal year, the licensee must pay the division a nonrefundable~~
2155 ~~license fee of \$2.5 million for the succeeding 12 months of~~
2156 ~~licensure. In the 2011-2012 fiscal year and for every fiscal~~
2157 ~~year thereafter, the licensee must pay the division a~~
2158 ~~nonrefundable license fee of \$2 million for the succeeding 12~~
2159 ~~months of licensure. The license fee must ~~shall~~ be deposited~~
2160 ~~into the Pari-mutuel Wagering Trust Fund of the Department of~~
2161 ~~Business and Professional Regulation to be used by the division~~
2162 ~~and the Department of Law Enforcement for investigations,~~
2163 ~~regulation of slot machine gaming, and enforcement of slot~~
2164 ~~machine gaming provisions under this chapter. These payments~~
2165 ~~must ~~shall~~ be accounted for separately from taxes or fees paid~~
2166 ~~pursuant to the provisions of chapter 550.~~

2167 ~~(b) Prior to January 1, 2007, the division shall evaluate~~
2168 ~~the license fee and shall make recommendations to the President~~
2169 ~~of the Senate and the Speaker of the House of Representatives~~
2170 ~~regarding the optimum level of slot machine license fees in~~
2171 ~~order to adequately support the slot machine regulatory program.~~

2172 (2) TAX ON SLOT MACHINE REVENUES.—

2173 (a) 1. The tax rate on slot machine revenues at each



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2174 facility ~~is shall be~~ 35 percent. Effective January 1, 2019, the
2175 tax rate on slot machine revenues at each facility is 30
2176 percent. Effective July 1, 2020, the tax rate on slot machine
2177 revenues at each facility is 25 percent.

2178 2.a. If, during any state fiscal year, the aggregate amount
2179 of tax paid to the state by ~~all~~ slot machine licensees in
2180 Broward and Miami-Dade Counties is less than the aggregate
2181 amount of tax paid to the state by ~~all slot machine~~ licensees in
2182 those counties in the ~~2017-2018~~ 2008-2009 fiscal year, each slot
2183 machine licensee shall pay to the state within 45 days after the
2184 end of the state fiscal year a surcharge ~~equal to its pro rata~~
2185 ~~share of an amount equal to the difference between the aggregate~~
2186 ~~amount of tax paid to the state by all slot machine licensees in~~
2187 ~~the 2008-2009 fiscal year and the amount of tax paid during the~~
2188 ~~fiscal year.~~

2189 b. The amount of the surcharge to be paid by each such
2190 licensee must be calculated by dividing the aggregate amount of
2191 slot machine taxes paid to the state by all such slot machine
2192 licensees in the 2017-2018 fiscal year by the aggregate amount
2193 of slot machine taxes paid by all such licensees during the
2194 applicable state fiscal year, multiplying the result by the
2195 amount of slot machine taxes paid by the licensee during the
2196 applicable state fiscal year, and then subtracting from that
2197 product the amount of slot machine taxes paid by the licensee
2198 during the applicable state fiscal year. However, the sum of the
2199 taxes paid by a licensee pursuant to subparagraph 1. and any
2200 surcharge due from the licensee may not exceed 35 percent of the
2201 slot machine revenue of that licensee in the applicable state
2202 fiscal year ~~Each licensee's pro rata share shall be an amount~~



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2203 ~~determined by dividing the number 1 by the number of facilities~~
2204 ~~licensed to operate slot machines during the applicable fiscal~~
2205 ~~year, regardless of whether the facility is operating such~~
2206 ~~machines.~~

2207 (b) The slot machine revenue tax imposed by this section
2208 must ~~shall~~ be paid to the division for deposit into the Pari-
2209 mutuel Wagering Trust Fund for immediate transfer by the Chief
2210 Financial Officer for deposit into the Educational Enhancement
2211 Trust Fund of the Department of Education. Any interest earnings
2212 on the tax revenues must ~~shall~~ also be transferred to the
2213 Educational Enhancement Trust Fund.

2214 (c)1. Funds transferred to the Educational Enhancement
2215 Trust Fund under paragraph (b) must ~~shall~~ be used to supplement
2216 public education funding statewide.

2217 2. If necessary to comply with any covenant established
2218 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
2219 funds transferred to the Educational Enhancement Trust Fund
2220 under paragraph (b) must ~~shall~~ first be available to pay debt
2221 service on lottery bonds issued to fund school construction in
2222 the event lottery revenues are insufficient for such purpose or
2223 to satisfy debt service reserve requirements established in
2224 connection with lottery bonds. Moneys available pursuant to this
2225 subparagraph are subject to annual appropriation by the
2226 Legislature.

2227 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
2228 fails to make tax and any applicable surcharge payments as
2229 required under this section is subject to an administrative
2230 penalty of up to \$10,000 for each day the tax payment is not
2231 remitted. All administrative penalties imposed and collected



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2232 must ~~shall~~ be deposited into the Pari-mutuel Wagering Trust Fund
2233 of the Department of Business and Professional Regulation. If
2234 any slot machine licensee fails to pay penalties imposed by
2235 order of the division under this subsection, the division may
2236 deny, suspend, revoke, or refuse to renew the license of the
2237 permitholder or slot machine licensee.

2238 Section 12. Present subsections (9) through (17) of section
2239 849.086, Florida Statutes, are redesignated as subsections (10)
2240 through (18), respectively, a new subsection (9) is added to
2241 that section, subsections (1) and (2) of that section are
2242 amended, paragraph (g) is added to subsection (4) of that
2243 section, and paragraph (b) of subsection (5), paragraph (c) of
2244 subsection (7), paragraph (a) of subsection (8), present
2245 subsection (12), and paragraphs (d) and (h) of present
2246 subsection (13) are amended, to read:

2247 849.086 Cardrooms authorized.—

2248 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
2249 to provide additional entertainment choices for the residents of
2250 and visitors to the state, promote tourism in the state, provide
2251 revenues to support the continuation of live pari-mutuel
2252 activity, and provide additional state revenues through the
2253 authorization of the playing of certain games in the state at
2254 facilities known as cardrooms which are to be located at
2255 licensed pari-mutuel facilities. To ensure the public confidence
2256 in the integrity of authorized cardroom operations, this act is
2257 designed to strictly regulate the facilities, persons, and
2258 procedures related to cardroom operations. Furthermore, the
2259 Legislature finds that authorized games of poker and dominoes ~~as~~
2260 ~~herein defined~~ are considered to be pari-mutuel style games and



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2261 not casino gaming because the participants play against each
2262 other instead of against the house.

2263 (2) DEFINITIONS.—As used in this section:

2264 (a) "Authorized game" means a game or series of games of
2265 poker, including designated player games, played in conformance
2266 with this section and in a manner consistent with the rules and
2267 requirements specified in the 1974 edition of Hoyle's Modern
2268 Encyclopedia of Card Games: Rules of All the Basic Games and
2269 Popular Variations and including three card poker, or dominoes
2270 played in conformance with this section ~~or dominoes which are~~
2271 ~~played in a nonbanking manner.~~

2272 (b) "Banking game" means a game in which the house is a
2273 participant in the game, taking on players, paying winners, and
2274 collecting from losers ~~or in which the cardroom establishes a~~
2275 ~~bank against which participants play.~~ A designated player game
2276 is not a banking game.

2277 (c) "Cardroom" means a facility where authorized games are
2278 played for money or anything of value and to which the public is
2279 invited to participate in such games and charged a fee for
2280 participation by the operator of such facility. Authorized games
2281 and cardrooms do not constitute casino gaming operations if
2282 conducted at an eligible facility.

2283 (d) "Cardroom management company" means any individual not
2284 an employee of the cardroom operator, any proprietorship,
2285 partnership, corporation, or other entity that enters into an
2286 agreement with a cardroom operator to manage, operate, or
2287 otherwise control the daily operation of a cardroom.

2288 (e) "Cardroom distributor" means any business that
2289 distributes cardroom paraphernalia such as card tables, betting



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2290 chips, chip holders, dominoes, dominoes tables, drop boxes,
2291 banking supplies, playing cards, card shufflers, and other
2292 associated equipment to authorized cardrooms.

2293 (f) "Cardroom operator" means a licensed pari-mutuel
2294 permitholder that ~~which~~ holds a valid permit and license issued
2295 by the division pursuant to chapter 550 and which also holds a
2296 valid cardroom license issued by the division pursuant to this
2297 section which authorizes such person to operate a cardroom and
2298 to conduct authorized games in such cardroom.

2299 (g) "Designated player" means the player identified for
2300 each game by a button that rotates clockwise before each hand
2301 begins as the player in the dealer position and seated at a
2302 traditional player position in a designated player game who pays
2303 winning players and collects from losing players.

2304 (h) "Designated player game" means a game in which the
2305 players compare their cards only to the cards of the designated
2306 player or to a combination of cards held by the designated
2307 player and cards common and available for play by all players.

2308 (i) ~~(g)~~ "Division" means the Division of Pari-mutuel
2309 Wagering of the Department of Business and Professional
2310 Regulation.

2311 (j) ~~(h)~~ "Dominoes" means a game of dominoes typically played
2312 with a set of 28 flat rectangular blocks, called "bones," which
2313 are marked on one side and divided into two equal parts, with
2314 zero to six dots, called "pips," in each part. The term also
2315 includes larger sets of blocks that contain a correspondingly
2316 higher number of pips. The term also means the set of blocks
2317 used to play the game.

2318 (k) ~~(i)~~ "Gross receipts" means the total amount of money



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2319 received by a cardroom from any person for participation in
2320 authorized games.

2321 (l)~~(j)~~ "House" means the cardroom operator and all
2322 employees of the cardroom operator.

2323 (m)~~(k)~~ "Net proceeds" means the total amount of gross
2324 receipts received by a cardroom operator from cardroom
2325 operations less direct operating expenses related to cardroom
2326 operations, including labor costs, admission taxes only if a
2327 separate admission fee is charged for entry to the cardroom
2328 facility, gross receipts taxes imposed on cardroom operators by
2329 this section, the annual cardroom license fees imposed by this
2330 section on each table operated at a cardroom, and reasonable
2331 promotional costs excluding officer and director compensation,
2332 interest on capital debt, legal fees, real estate taxes, bad
2333 debts, contributions or donations, or overhead and depreciation
2334 expenses not directly related to the operation of the cardrooms.

2335 (n)~~(l)~~ "Rake" means a set fee or percentage of the pot
2336 assessed by a cardroom operator for providing the services of a
2337 dealer, table, or location for playing the authorized game.

2338 (o)~~(m)~~ "Tournament" means a series of games that have more
2339 than one betting round involving one or more tables and where
2340 the winners or others receive a prize or cash award.

2341 (4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel
2342 Wagering of the Department of Business and Professional
2343 Regulation shall administer this section and regulate the
2344 operation of cardrooms under this section and the rules adopted
2345 pursuant thereto, and is hereby authorized to:

2346 (g) Establish a reasonable period to respond to requests
2347 from a licensed cardroom; provided however, the division has a



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2348 maximum of 45 days to approve:

2349 1. A cardroom's internal controls or provide the cardroom
2350 with a list of deficiencies as to the internal controls.

2351 2. Rules for a new authorized game submitted by a licensed
2352 cardroom or provide the cardroom with a list of deficiencies as
2353 to those rules.

2354

2355 No later than 10 days after the submission of revised internal
2356 controls or revised rules addressing the deficiencies identified
2357 by the division, the division must review and approve or reject
2358 the revised internal controls or revised rules.

2359 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
2360 operate a cardroom in this state unless such person holds a
2361 valid cardroom license issued pursuant to this section.

2362 (b) After the initial cardroom license is granted, the
2363 application for the annual license renewal shall be made in
2364 conjunction with the applicant's annual application for its
2365 pari-mutuel license. If a permitholder has operated a cardroom
2366 during any of the 3 previous fiscal years and fails to include a
2367 renewal request for the operation of the cardroom in its annual
2368 application for license renewal, the permitholder may amend its
2369 annual application to include operation of the cardroom. ~~In~~
2370 ~~order for a cardroom license to be renewed the applicant must~~
2371 ~~have requested, as part of its pari-mutuel annual license~~
2372 ~~application, to conduct at least 90 percent of the total number~~
2373 ~~of live performances conducted by such permitholder during~~
2374 ~~either the state fiscal year in which its initial cardroom~~
2375 ~~license was issued or the state fiscal year immediately prior~~
2376 ~~thereto if the permitholder ran at least a full schedule of live~~



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2377 ~~racing or games in the prior year. If the application is for a~~
2378 ~~harness permitholder cardroom, the applicant must have requested~~
2379 ~~authorization to conduct a minimum of 140 live performances~~
2380 ~~during the state fiscal year immediately prior thereto. If more~~
2381 ~~than one permitholder is operating at a facility, each~~
2382 ~~permitholder must have applied for a license to conduct a full~~
2383 ~~schedule of live racing.~~

2384 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2385 (c) A cardroom operator must at all times employ and
2386 provide a nonplaying live dealer at ~~for~~ each table on which
2387 authorized ~~card~~ games ~~which traditionally use a dealer~~ are
2388 conducted ~~at the cardroom~~. Such dealers may not have a
2389 participatory interest in any game other than the dealing of
2390 cards and may not have an interest in the outcome of the game.
2391 The providing of such dealers by a licensee does not constitute
2392 the conducting of a banking game by the cardroom operator.

2393 (8) METHOD OF WAGERS; LIMITATION.—

2394 (a) ~~No~~ Wagering may not be conducted using money or other
2395 negotiable currency. Games may only be played utilizing a
2396 wagering system whereby all players' money is first converted by
2397 the house to tokens or chips that may ~~which shall~~ be used for
2398 wagering only at that specific cardroom.

2399 (9) DESIGNATED PLAYER GAMES AUTHORIZED.—

2400 (a) A cardroom operator may offer designated player games
2401 consisting of players making wagers against the designated
2402 player. However, not more than 50 percent of the total licensed
2403 tables in a cardroom may offer designated player games. The
2404 designated player must be licensed pursuant to paragraph (6) (b).
2405 Employees of a designated player also must be licensed, and the



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2406 designated player shall pay, in addition to the business
2407 occupational fee established pursuant to paragraph (6)(i), an
2408 employee occupational license fee that may not exceed \$500 per
2409 employee for any 12-month period.

2410 (b) A cardroom operator may not serve as a designated
2411 player in any game. The cardroom operator may not have a
2412 financial interest in a designated player in any game. A
2413 cardroom operator may collect a rake in accordance with the rake
2414 structure posted at the table.

2415 (c) If there are multiple designated players at a table,
2416 the dealer button shall be rotated in a clockwise rotation after
2417 each hand.

2418 (d) A cardroom operator may not allow a designated player
2419 to pay an opposing player who holds a lower-ranked hand.

2420 (e) A designated player may not be required by the rules of
2421 a game or by the rules of a cardroom to cover more than 10 times
2422 the maximum wager for players participating in any one game.

2423 (f) The cardroom, or any cardroom licensee, may not
2424 contract with, or receive compensation other than a posted table
2425 rake from, any player to participate in any game to serve as a
2426 designated player.

2427 (13)-(12) PROHIBITED ACTIVITIES.-

2428 (a) A ~~No~~ person licensed to operate a cardroom may not
2429 conduct any banking game or any game not specifically authorized
2430 by this section.

2431 (b) A ~~No~~ person who is younger than ~~under~~ 18 years of age
2432 may not be permitted to hold a cardroom or employee license, or
2433 to engage in any game conducted therein.

2434 (c) With the exception of mechanical card shufflers, ~~No~~



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2435 electronic or mechanical devices, ~~except mechanical card~~
2436 ~~shufflers~~, may not be used to conduct any authorized game in a
2437 cardroom.

2438 (d) ~~No~~ Cards, game components, or game implements may not
2439 be used in playing an authorized game unless they have such ~~has~~
2440 been furnished or provided to the players by the cardroom
2441 operator.

2442 (14) ~~(13)~~ TAXES AND OTHER PAYMENTS.—

2443 (d)1. Each ~~greyhound and jai alai~~ permitholder that
2444 operates a cardroom facility shall use at least 4 percent of
2445 such permitholder's cardroom monthly gross receipts to
2446 supplement ~~greyhound~~ purses and awards or jai alai prize money,
2447 respectively, during the permitholder's next ensuing pari-mutuel
2448 meet.

2449 2.a. Any permitholder with a cardroom license and
2450 conducting less than a full schedule of live racing or games, as
2451 defined in s. 550.002(11), pursuant to s. 550.01215(1)(b) or (c)
2452 shall remit each month to each qualified thoroughbred
2453 permitholder, by electronic funds transfer, an amount equal to 4
2454 percent of its monthly cardroom gross receipts divided by the
2455 total number of qualified thoroughbred permitholders for a
2456 license year. Qualified thoroughbred permitholders shall use
2457 such payments exclusively for purses and awards for live
2458 thoroughbred horse races held at the qualified thoroughbred
2459 permitholder's racing facility. For the purposes of this
2460 subparagraph, the term "qualified thoroughbred permitholder"
2461 means a thoroughbred permitholder conducting, in the applicable
2462 state fiscal year, no less than a full schedule of live racing
2463 or games, as defined in s. 550.002(11), and no fewer live



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2464 thoroughbred horse racing performances than such permitholder
2465 conducted in state fiscal year 2017-2018. The term does not
2466 include a permitholder whose permit was issued pursuant to s.
2467 550.3345 or a permitholder leasing at another thoroughbred
2468 permitholder's facility pursuant to s. 550.475.

2469 b. The division shall notify each cardroom licensee
2470 required to remit such payments, not later than 15 days after
2471 issuing the cardroom license, of the qualified thoroughbred
2472 permitholders to which such payments must be paid. Each
2473 qualified thoroughbred permitholder shall provide each cardroom
2474 licensee required to remit payments pursuant to this
2475 subparagraph with written instructions for transmitting such
2476 electronic payments. Such payments shall be remitted to each
2477 qualified thoroughbred permitholder on the fifth day of each
2478 calendar month and shall be based upon the preceding month's
2479 cardroom activities. If the fifth day of the calendar month
2480 falls on a weekend, such payment shall be remitted on the first
2481 Monday following the weekend.

2482 c. A qualified thoroughbred permitholder receiving funds
2483 under this subparagraph shall remit, within 10 days after
2484 receipt, 10 percent of those funds to the Florida Thoroughbred
2485 Breeders' Association, Inc., for the payment of breeders',
2486 stallion, and special racing awards, subject to the fee
2487 authorized in s. 550.2625(3).

2488 3. Each thoroughbred and harness horse racing permitholder
2489 that operates a cardroom facility shall use at least 50 percent
2490 of such permitholder's cardroom monthly net proceeds as follows:
2491 47 percent to supplement purses and 3 percent to supplement
2492 breeders' awards during the permitholder's next ensuing racing



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2493 meet.

2494 ~~3. No cardroom license or renewal thereof shall be issued~~
2495 ~~to an applicant holding a permit under chapter 550 to conduct~~
2496 ~~pari-mutuel wagering meets of quarter horse racing unless the~~
2497 ~~applicant has on file with the division a binding written~~
2498 ~~agreement between the applicant and the Florida Quarter Horse~~
2499 ~~Racing Association or the association representing a majority of~~
2500 ~~the horse owners and trainers at the applicant's eligible~~
2501 ~~facility, governing the payment of purses on live quarter horse~~
2502 ~~races conducted at the licensee's pari-mutuel facility. The~~
2503 ~~agreement governing purses may direct the payment of such purses~~
2504 ~~from revenues generated by any wagering or gaming the applicant~~
2505 ~~is authorized to conduct under Florida law. All purses shall be~~
2506 ~~subject to the terms of chapter 550.~~

2507 (h) One-quarter of the moneys deposited into the Pari-
2508 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by
2509 October 1 of each year, be distributed to the local government
2510 that approved the cardroom under subsection (17) ~~(16)~~; however,
2511 if two or more pari-mutuel racetracks are located within the
2512 same incorporated municipality, the cardroom funds shall be
2513 distributed to the municipality. If a pari-mutuel facility is
2514 situated in such a manner that it is located in more than one
2515 county, the site of the cardroom facility shall determine the
2516 location for purposes of disbursement of tax revenues under this
2517 paragraph. The division shall, by September 1 of each year,
2518 determine: the amount of taxes deposited into the Pari-mutuel
2519 Wagering Trust Fund pursuant to this section from each cardroom
2520 licensee; the location by county of each cardroom; whether the
2521 cardroom is located in the unincorporated area of the county or



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2522 within an incorporated municipality; and, the total amount to be
2523 distributed to each eligible county and municipality.

2524 Section 13. Subsection (1) of section 849.16, Florida
2525 Statutes, is amended to read:

2526 849.16 Machines or devices which come within provisions of
2527 law defined.—

2528 (1) As used in this chapter, the term "slot machine or
2529 device" means any machine or device or system or network of
2530 devices that is adapted for use in such a way that, upon
2531 activation, which may be achieved by, but is not limited to, the
2532 insertion of any piece of money, coin, account number, code, or
2533 other object or information, such device or system is directly
2534 or indirectly caused to operate or may be operated and if the
2535 user, whether by application of skill or by reason of any
2536 element of chance or any other outcome unpredictable by the
2537 user, regardless of whether the machine or device or system or
2538 networks of devices includes a preview of the outcome or whether
2539 the outcome is known, displayed, or capable of being known or
2540 displayed to the user, may:

2541 (a) Receive or become entitled to receive any piece of
2542 money, credit, allowance, or thing of value; ~~or~~ any check,
2543 slug, token, or memorandum, whether of value or otherwise, which
2544 may be exchanged for any money, credit, allowance, or thing of
2545 value or which may be given in trade; or the opportunity to
2546 purchase a subsequently displayed outcome that may have a
2547 monetary value, regardless of whether such value is equal to,
2548 greater than, or less than the cost of purchasing such outcome;
2549 or

2550 (b) Secure additional chances or rights to use such



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2551 machine, apparatus, or device, even though the device or system
2552 may be available for free play or, in addition to any element of
2553 chance or unpredictable outcome of such operation, may also
2554 sell, deliver, or present some merchandise, indication of
2555 weight, entertainment, or other thing of value. The term "slot
2556 machine or device" includes, but is not limited to, devices
2557 regulated as slot machines pursuant to chapter 551.

2558 Section 14. The Division of Law Revision and Information is
2559 directed to replace the phrase "the effective date of this act"
2560 wherever it appears in this act with the date this act becomes a
2561 law.

2562 Section 15. This act shall take effect upon becoming a law.