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LEGISLATIVE ACTION

Senate	.	House
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05/08/2009 12:27 PM	.	
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The Conference Committee on CS/CS/SB 788, 1st Eng. recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 285.710, Florida Statutes, is created to read:

285.710 Compact authorization.—

(1) Terms used in this section have the same meaning as provided in s. 285.711.

(2) The agreement executed by the Governor and the Tribe on



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12 November 14, 2007, published in the Federal Register on January
13 7, 2008, and subsequently invalidated by the Florida Supreme
14 Court in the case of *Florida House of Representatives, et al.,*
15 *v. Crist*, No. SC07-2154, is not ratified or approved by the
16 Legislature and is void.

17 (3) Subject to the limitations in s. 285.711, the Governor
18 is hereby authorized and directed to negotiate and execute a
19 compact on behalf of the State with the Tribe pursuant to the
20 federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss.
21 1166-1168, and 25 U.S.C. s. 2701 et seq., and this act for the
22 purpose of authorizing class III gaming on Seminole lands within
23 this state. Any such compact shall not be deemed entered into by
24 the state unless and until it is ratified by the Legislature.

25 (4) The Governor is authorized to bind the State to any
26 amendment to the compact that is consistent with the terms and
27 standards in this section and s. 285.711, provided that any
28 amendment to provisions relating to covered games, the amount of
29 revenue sharing payments, suspension or reduction of payments,
30 or exclusivity shall require ratification by the Legislature.

31 (5) (a) The Governor shall provide a copy of the compact to
32 the President of the Senate and the Speaker of the House of
33 Representatives as soon as it is executed. The compact shall not
34 be submitted to the Department of the Interior by or on behalf
35 of the state or the Tribe until it has been ratified by the
36 Legislature.

37 (b) The Governor shall provide a copy of any amendment to
38 the compact to the President of the Senate and the Speaker of
39 the House of Representatives as soon as it is executed and
40 before or simultaneous with its submission to the Department of



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41 the Interior, provided that any amendment requiring ratification
42 by the Legislature shall not be submitted to the Department of
43 the Interior for approval until such ratification has occurred.

44 (6) The Governor shall preserve all documents, if any,
45 which relate to the intent or interpretation of the compact, and
46 maintain such documents for at least the term of the compact.

47 (7) If any provision of the compact relating to covered
48 games, payments, suspension or reduction in payments, or
49 exclusivity is held by a court of competent jurisdiction or by
50 the Department of the Interior to be invalid, the compact is
51 void.

52 (8) In the event that a subsequent change to the Indian
53 Gaming Regulatory Act, or to an implementing regulation thereof,
54 mandates the retroactive application of such change without the
55 respective consent of the state or Tribe, the compact is void if
56 it materially alters the terms and standards in the compact
57 relating to the covered games, payments, suspension or reduction
58 of payments, or exclusivity.

59 (9) The Governor shall ensure that all revenue sharing
60 received pursuant to the compact and agreement executed by the
61 Governor and the Tribe on November 14, 2007, is deposited into
62 the Education Enhancement Trust Fund provided that, if necessary
63 to comply with any covenant established pursuant to s.
64 1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred
65 to the Educational Enhancement Trust Fund shall be first
66 available to pay debt service on lottery bonds issued to fund
67 school construction in the event lottery revenues are
68 insufficient for such purpose or to satisfy debt service reserve
69 requirements established in connection with lottery bonds.



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70 (10) Except for the authority granted to the Governor in
71 subsections (4) and (13), the authority granted to the Governor
72 by this section and s. 285.711 expires at 11:59 p.m. on August
73 31, 2009.

74 (11) It is the intent of the Legislature to review a
75 compact entered into under the provisions of this section within
76 5 years after the compact is approved. It is the intent of the
77 Legislature to consider the authorization of additional Class
78 III games for operation by the Tribe based upon successful
79 implementation of the compact and the history of compliance with
80 the compact.

81 (12) The Division of Pari-mutuel Wagering of the Department
82 of Business and Professional Regulation is designated as the
83 state compliance agency having the authority to carry out the
84 state's oversight responsibilities under a compact authorized by
85 this act.

86 (13) (a) The Governor is authorized and directed to execute
87 an agreement on behalf of the State of Florida with the Indian
88 tribes in this state, acting on a government-to-government
89 basis, to develop and implement a fair and workable arrangement
90 to apply state taxes on persons and transactions on Indian
91 lands. Such agreements shall address the imposition of specific
92 taxes, including sales taxes and exemptions from those taxes.

93 (b) The agreement shall address the Tribe's collection and
94 remittance of sales taxes imposed by chapter 212 to the
95 Department of Revenue. The sales taxes collected and remitted by
96 the Tribe shall be based on all sales to non-tribal members,
97 except those non-tribal members who hold valid exemption
98 certificates issued by the Department of Revenue, exempting the



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99 sales from taxes imposed by chapter 212.

100 (c) The agreement shall require the Tribe to register with
101 the Department of Revenue and remit to the Department of Revenue
102 the taxes collected.

103 (d) The agreement shall require the Tribe to retain for at
104 least a period of 5 years records of all sales to non-tribal
105 members which are subject to taxation under chapter 212. The
106 agreement shall permit the Department of Revenue to conduct an
107 audit not more often than annually in order to verify such
108 collections. The agreement shall require the Tribe to provide
109 reasonable access during normal operating hours to records of
110 transactions subject to the taxes collected.

111 (e) The agreement shall provide a procedure for the
112 resolution of any disputes about the amounts collected pursuant
113 to the agreement. For purposes of the agreement for the
114 collection and remittance of sales taxes, the agreement must
115 provide that the Tribe agrees to waive its immunity, except that
116 the state may seek monetary damages limited to the amount of
117 taxes owed.

118 (f) An agreement executed by the Governor pursuant to the
119 authority granted in this section shall not take effect unless
120 ratified by the Legislature.

121 (14) Any moneys remitted by the Tribe before the effective
122 date of a compact entered into by the State and the Tribe
123 pursuant to this act shall be deemed forfeited by the Tribe and
124 released to the state without further obligation or encumbrance.
125 The Legislature further finds that acceptance and appropriation
126 of such funds does not legitimize, validate, or otherwise ratify
127 any previously proposed compact or the operation of Class III



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128 games by the Tribe for any period prior to the effective date of
129 a valid compact pursuant to this act.

130 (15) For the purpose of satisfying the requirement in 25
131 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
132 under an Indian gaming compact must be permitted in the state
133 for any purpose by any person, organization, or entity, the
134 following Class III games or other games specified in this
135 section are hereby authorized to be conducted by the Tribe
136 pursuant to a compact that is substantially in the form provided
137 in s. 285.711:

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

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

141 (c) Banking or banked card games, including baccarat,
142 chemin de fer, and blackjack or 21 at the tribal facilities in
143 Broward County and Hillsborough County.

144 (16) Notwithstanding any other provision of state law, it
145 is not a crime for a person to participate in the games
146 specified in subsection (15) at a tribal facility operating
147 under a compact entered into pursuant to this act.

148 Section 2. Section 285.711, Florida Statutes, is created to
149 read:

150 285.711 Gaming compact between the Seminole Tribe and the
151 State of Florida.—The Governor is authorized and directed to
152 negotiate and execute a gaming compact with the Seminole Tribe
153 of Florida on behalf of the State of Florida subject to
154 ratification by the Legislature, in the form substantially as
155 follows:

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157 Gaming Compact Between the Seminole Tribe of Florida and the
158 State of Florida

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160 This Compact is made and entered into by and between the
161 Seminole Tribe of Florida, a federally recognized Indian Tribe,
162 and the State of Florida, with respect to the operation of
163 covered games on the Tribe's Indian lands as defined by the
164 Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

165
166 PART I.

167 TITLE.—This Compact shall be referred to as the "Seminole
168 Tribe of Florida and State of Florida Gaming Compact."

169
170 PART II.

171 RECITALS.—

172 A. The Seminole Tribe of Florida is a federally recognized
173 tribal government possessing sovereign powers and rights of
174 self-government.

175 B. The State of Florida is a state of the United States of
176 America possessing the sovereign powers and rights of a state.

177 C. The State of Florida and the Seminole Tribe of Florida
178 maintain a government-to-government relationship.

179 D. The United States Supreme Court has long recognized the
180 right of an Indian Tribe to regulate activity on lands within
181 its jurisdiction, but the Congress, through the Indian Gaming
182 Regulatory Act, has given states a role in the conduct of tribal
183 gaming in accordance with negotiated tribal-state compacts.

184 E. Pursuant to the Seminole Tribe Amended Gaming Ordinance,
185 adopted by Resolution No. C-195-06, and approved by the National



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186 Indian Gaming Commission on July 10, 2006, hereafter referred to
187 as the Seminole Tribal Gaming Code, the Seminole Tribe of
188 Florida desires to offer the play of Covered Games, as defined
189 in Part III. of this Compact, as a means of generating revenues
190 for purposes authorized by the Indian Gaming Regulatory Act,
191 including without limitation the support of tribal governmental
192 programs, such as health care, housing, sewer and water
193 projects, police, fire suppression, general assistance for
194 tribal elders, day care for children, economic development,
195 educational opportunities, per capita payments to tribal
196 members, and other typical and valuable governmental services
197 and programs for tribal members.

198 F. It is in the best interest of the State of Florida to
199 enter into a compact with the Seminole Tribe of Florida. This
200 Compact will generally benefit Florida, while at the same time
201 limiting the expansion of gaming within the State. The State of
202 Florida also recognizes that the significant revenue
203 participation pursuant to the Compact in exchange for its
204 exclusivity provisions provide an opportunity to increase and
205 enhance the dollars available to spend on governmental programs
206 that benefit the citizens of Florida.

207 G. The agreement executed by the Seminole Tribe of Florida
208 and the Governor of Florida on November 14, 2007, published in
209 the Federal Register on January 7, 2008, and subsequently
210 invalidated by the Florida Supreme Court in the case of *Florida*
211 *House of Representatives, et al., vs. Crist*, No. SC07-2154, is
212 void.

213
214 PART III.



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215 DEFINITIONS.—As used in this Compact and the Appendices
216 thereto:

217 A. "Annual Oversight Assessment" means the assessment
218 described in Part XI., Section C. of this Compact.

219 B. "Class III gaming" means the forms of Class III gaming
220 defined in 25 U.S.C. s. 2703(8) and by the regulations of the
221 National Indian Gaming Commission in effect on January 1, 2009.

222 C. "Commission" means the Seminole Tribal Gaming
223 Commission, which is the tribal governmental agency that has the
224 authority to carry out the Tribe's regulatory and oversight
225 responsibilities under this Compact.

226 D. "Compact" means the Seminole Tribe of Florida and State
227 of Florida Gaming Compact.

228 E. "Covered Game" or "Covered Gaming Activity" means the
229 following gaming activities:

230 1.(a) Slot machines, means any mechanical or electrical
231 contrivance, terminal that may or may not be capable of
232 downloading slot games from a central server system, machine, or
233 other device that, upon insertion of a coin, bill, ticket,
234 token, or similar object or upon payment of any consideration
235 whatsoever, including the use of any electronic payment system,
236 except a credit card or debit card, is available to play or
237 operate, the play or operation of which, whether by reason of
238 skill or application of the element of chance or both, may
239 deliver or entitle the person or persons playing or operating
240 the contrivance, terminal, machine, or other device to receive
241 cash, billets, tickets, tokens, or electronic credits to be
242 exchanged for cash or to receive merchandise or anything of
243 value whatsoever, whether the payoff is made automatically from



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244 the machine or manually. The term includes associated equipment
245 necessary to conduct the operation of the contrivance, terminal,
246 machine, or other device. Slot machines may use spinning reels,
247 video displays, or both.

248 (b) If at any time, State law authorizes the use of
249 electronic payments systems utilizing credit or debit card
250 payment for the play or operation of slot machines for any
251 person, the Tribe shall be authorized to use such payment
252 systems;

253 2. No limit poker; and

254 3. Banking or banked card games, including baccarat, chemin
255 de fer and blackjack at the Facilities located in Broward County
256 and Hillsborough County as described in Part IV., Section B.,
257 subsections 2., 3., 6., and 7.

258
259 This definition specifically does not include roulette, craps,
260 roulette styled games, or craps-styled games.

261 F. "Covered Game Employee" or "Covered Employee" means any
262 individual employed and licensed by the Tribe whose
263 responsibilities include the rendering of services with respect
264 to the operation, maintenance or management of Covered Games,
265 including, but not limited to, the following: managers and
266 assistant managers; accounting personnel; Commission officers;
267 surveillance and security personnel; cashiers, supervisors, and
268 floor personnel; cage personnel; and any other employee whose
269 employment duties require or authorize access to areas of the
270 Facility related to the conduct of Covered Games or the
271 technical support or storage of Covered Game components. This
272 definition does not include the Tribe's elected officials



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273 provided that such individuals are not directly involved in the
274 operation, maintenance, or management of Covered Games or
275 Covered Games components.

276 G. "Documents" means books, records, electronic, magnetic
277 and computer media documents and other writings and materials,
278 copies thereof, and information contained therein.

279 H. "Effective Date" means the date on which the Compact
280 becomes effective pursuant to Part XVI., Section A. of this
281 Compact.

282 I. "Facility" or "Facilities" means any building of the
283 Tribe in which the Covered Games authorized by this Compact are
284 conducted on Indian lands as defined by the Indian Gaming
285 Regulatory Act.

286 J. "Guaranteed Minimum Payment" means the minimum payment
287 the Tribe agrees to make to the State as provided by Part XI. of
288 the Compact.

289 K. "Indian Gaming Regulatory Act" or "IGRA" means the
290 Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17,
291 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq.,
292 and 18 U.S.C. ss. 1166-1168.

293 L. "Net Poker Income" means the total revenue from all
294 hands played, including buy-ins and rebuys.

295 M. "Net Win" means gross gaming revenue for Class III
296 games, which is the difference between gaming wins and losses,
297 before deducting costs and expenses.

298 N. "Non-tribal member" means a person who is not a bona
299 fide member of an Indian tribe as defined in 25 U.S.C. s.
300 2703(5).

301 O. "Patron" means any person who is on the premises of a



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302 Facility, or who is entering the Tribe's Indian lands for the
303 purpose of playing Covered Games authorized by this Compact.

304 P. "Reservation" means any of the seven Tribal locations
305 currently with gaming facilities, specifically enumerated in
306 Part IV., Section B.

307 Q. "Revenue Share" means the periodic payment by the Tribe
308 to the State provided for in Part XI., Sections A. and B. of
309 this Compact.

310 R. "Revenue Sharing Cycle" means the annual (12-month)
311 period of the Tribe's operation of Covered Games in its
312 Facilities and whose first annual cycle shall commence on the
313 day the Tribe makes Covered Games available for public play in
314 its Facilities.

315 S. "Rules and regulations" means the rules and regulations
316 promulgated by the Commission for implementation of this
317 Compact.

318 T. "State" means the State of Florida.

319 U. "State Compliance Agency" or "SCA" means the Division of
320 Pari-mutuel Wagering of the Department of Business and
321 Professional Regulation, which is designated as the state agency
322 having the authority to carry out the state's oversight
323 responsibilities under this compact.

324 V. "Tribe" means the Seminole Tribe of Florida or any
325 affiliate thereof conducting activities pursuant to this Compact
326 under the authority of the Seminole Tribe of Florida.

327
328 PART IV.

329 AUTHORIZATION AND LOCATION OF COVERED GAMES.—

330 A. The Tribe and State agree that the Tribe is authorized



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331 to operate Covered Games on its Indian lands, as defined in the
332 Indian Gaming Regulatory Act, in accordance with the provisions
333 of this Compact. However, except for the provisions in Part XI.,
334 Section A. below, nothing in this Compact shall limit the
335 Tribe's right to operate any game that is Class II under the
336 Indian Gaming Regulatory Act.

337 B. The Tribe is authorized to conduct Covered Games under
338 this Compact at only the following seven existing gaming
339 Facilities on Tribal lands, except as limited by Part III,
340 Section E., Subsection 3.:

341 1. Seminole Indian Casino on the Brighton Indian
342 Reservation in Okeechobee County.

343 2. Seminole Indian Casino in the City of Coconut Creek in
344 Broward County.

345 3. Seminole Indian Casino in the City of Hollywood in
346 Broward County.

347 4. Seminole Indian Casino in Immokalee in Collier County.

348 5. Seminole Indian Big Cypress Casino in the City of
349 Clewiston in Hendry County.

350 6. Seminole Hard Rock Hotel & Casino in the City of
351 Hollywood in Broward County.

352 7. Seminole Hard Rock Hotel & Casino in the City of Tampa
353 in Hillsborough County.

354 C. Any of the identified Facilities in Section B. may be
355 expanded or replaced by another Facility on the same reservation
356 with advance notice to the State of sixty (60) calendar days,
357 subject to the understanding that the number of existing
358 Facilities on each reservation and the number of reservations
359 upon which Class III gaming is authorized shall remain the same



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360 as provided in Section B.

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362 PART V.

363 RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR

364 OPERATIONS.-

365 A. At all times during the term of this Compact, the Tribe
366 shall be responsible for all duties which are assigned to it and
367 the Commission under this Compact. The Tribe shall promulgate
368 any rules and regulations necessary to implement this Compact,
369 which at a minimum shall expressly include or incorporate by
370 reference all provisions of this Part and the procedural
371 requirements of Part VI. of this Compact. Nothing in this
372 Compact shall be construed to affect the Tribe's right to amend
373 its rules and regulations, provided that any such amendment
374 shall be in conformity with this Compact and subject to approval
375 by the SCA. The SCA may propose additional rules and regulations
376 consistent with and related to the implementation of this
377 Compact to the Commission at any time, and the Commission shall
378 give good faith consideration to such suggestions and shall
379 notify the SCA of its response or action with respect thereto.

380 B. All Facilities shall comply with, and all Covered Games
381 approved under this Compact shall be operated in accordance
382 with, the requirements set forth in this Compact, including, but
383 not limited to, those set forth in Sections C. and D. of this
384 Part and the Tribe's Internal Control Policies and Procedures.
385 In addition, all Facilities and all Covered Games shall be
386 operated in strict compliance with tribal internal control
387 standards that provide a level of control that equals or exceeds
388 those set forth in the National Indian Gaming Commission's



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389 Minimum Internal Control Standards (25 C.F.R. Part 542), as the
390 same may be amended or supplemented from time to time.

391 C. The Tribe and the Commission shall retain all records in
392 compliance with the requirements set forth in the Record
393 Retention Policies and Procedures.

394 D. The Tribe will continue and maintain its program to
395 combat problem gambling and curtail compulsive gambling,
396 including work with the Florida Council on Compulsive Gambling
397 or other organizations dedicated to assisting problem gamblers.
398 The Tribe will continue to maintain the following safeguards
399 against problem gambling.

400 1. The Tribe shall make an annual donation to the Florida
401 Council on Compulsive Gambling in an amount not less than
402 \$250,000 per Facility.

403 2. The Tribe will provide a comprehensive training and
404 education program designed in cooperation with the Florida
405 Council on Compulsive Gambling (or other organization dedicated
406 to assisting problem gamblers) to every new gaming employee.

407 3. The Tribe will make printed materials available to
408 Patrons, which include contact information for the Florida
409 Council on Compulsive Gambling 24-Hour Helpline (or other
410 hotline dedicated to assisting problem gamblers), and will work
411 with the Florida Council on Compulsive Gambling (or other
412 organization dedicated to assisting problem gamblers) to provide
413 contact information for the Florida Council on Compulsive
414 Gambling (or other organization dedicated to assisting problem
415 gamblers), and to provide such information on the Facilities'
416 Internet website. The Tribe will continue to display all
417 literature from the Florida Council on Compulsive Gambling (or



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418 other organization dedicated to assisting problem gamblers)
419 within the Facilities.

420 4. The Commission shall establish a list of the Patrons
421 voluntarily excluded from the Tribe's Facilities, pursuant to
422 subsection 5.

423 5. The Tribe shall employ its best efforts to exclude
424 Patrons on such list from entry into its Facilities; provided
425 that nothing in this Compact shall create for Patrons who are
426 excluded but gain access to the Facilities, or any other person,
427 a cause of action or claim against the State, the Tribe or the
428 Commission, or any other person, entity, or agency for failing
429 to enforce such exclusion.

430 6. Patrons who believe they may be playing Covered Games on
431 a compulsive basis may request that their names be placed on the
432 list of the Patrons voluntarily excluded from the Tribe's
433 Facilities.

434 7. All Covered Game employees shall receive training on
435 identifying players who have a problem with compulsive gambling
436 and shall be instructed to ask them to leave. Signs bearing a
437 toll-free help-line number and educational and informational
438 materials shall be made available at conspicuous locations and
439 automated teller machines in each Facility, which aim at the
440 prevention of problem gaming and which specify where Patrons may
441 receive counseling or assistance for gambling problems. All
442 Covered Game employees shall also be screened for compulsive
443 gambling habits. Nothing in this Section shall create for
444 Patrons, or any other person, a cause of action or claim against
445 the State, the Tribe or the Commission, or any other person,
446 entity, or agency for failing to identify a Patron or person who



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447 is a compulsive gambler or ask that person to leave.

448 8. The Tribe shall follow the rules for exclusion of
449 Patrons set forth in Article XI of the Seminole Tribal Gaming
450 Code.

451 9. The Tribe shall make diligent efforts to prevent
452 underage individuals from loitering in the area of each Facility
453 where the Covered Games take place.

454 10. The Tribe shall assure that advertising and marketing
455 of the Covered Games at the Facilities contain a responsible
456 gambling message and a toll-free help-line number for problem
457 gamblers, where practical, and that they make no false or
458 misleading claims.

459 E. Summaries of the rules for playing Covered Games and
460 promotional contests shall be visibly displayed in the
461 Facilities. Complete sets of rules shall be available in the
462 Facilities upon request. Copies of all such rules shall be
463 provided to the SCA within thirty (30) calendar days of their
464 issuance or their amendment.

465 F. The Tribe shall provide the Commission and SCA with a
466 chart of the supervisory lines of authority with respect to
467 those directly responsible for the conduct of Covered Games, and
468 shall promptly notify those agencies of any material changes
469 thereto.

470 G. The Tribe engages in and shall continue to maintain
471 proactive approaches to prevent improper alcohol sales, drunk
472 driving, underage drinking, and underage gambling. These
473 approaches involve intensive staff training, screening and
474 certification, Patron education, and the use of security
475 personnel and surveillance equipment in order to enhance



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476 Patrons' enjoyment of the Facilities and provide for Patron
477 safety. Staff training includes specialized employee training in
478 nonviolent crisis intervention, driver's license verification,
479 and the detection of intoxication. Patron education is carried
480 out through notices transmitted on valet parking stubs, posted
481 signs in the Facilities, and in brochures. Roving and fixed
482 security officers, along with surveillance cameras, assist in
483 the detection of intoxicated Patrons, investigate problems, and
484 engage with Patrons to de-escalate volatile situations. To help
485 prevent alcohol-related crashes, the Tribe will continue to
486 operate the "Safe Ride Home Program," a free taxi service.
487 Additionally, to reduce risks of underage gambling and underage
488 drinking, the Tribe will continue to prohibit entry onto the
489 casino floor of anyone under twenty-one (21) years of age. The
490 Tribe shall maintain these programs and policies in its Alcohol
491 Beverage Control Act for the duration of the Compact but may
492 replace such programs and policies with either stricter or more
493 extensive programs and policies. The Tribe shall provide the
494 State with written notice of any changes to the programs and
495 policies in the Tribe's Alcohol Beverage Control Act, which
496 notice shall include a copy of such changes and shall be sent on
497 or before the effective date of the change. Nothing in this
498 Section shall create for Patrons, or any other person, a cause
499 of action or claim against the State, the Tribe or the
500 Commission, or any other person, entity, or agency for failing
501 to fulfill the requirements of this Section.

502 H. No person under twenty-one (21) years of age shall be
503 allowed to play Covered Games unless otherwise permitted by
504 state law.



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505 I. The Tribe may establish and operate Facilities that
506 operate Covered Games only on the reservations as defined by the
507 Indian Gaming Regulatory Act and as specified in Part IV. of
508 this Compact.

509 J. The Commission shall keep a record of, and shall report
510 at least quarterly to the SCA, the number of Covered Games in
511 each Facility, by the name or type of each and its identifying
512 number.

513 K. The Tribe and the Commission shall make available a copy
514 of the following documents to any member of the public upon
515 request: the minimum internal control standards of the National
516 Indian Gaming Commission; the Seminole Tribal Gaming Code; this
517 Compact; the rules of each Covered Game operated by the Tribe;
518 and the administrative procedures for addressing Patron tort
519 claims under Part VI.

520 L. Cessation of Banking or Banked Card Games. The Tribe
521 shall stop all banked card games occurring on Tribal lands at
522 any existing gaming facility within any county of the state,
523 other than Broward County or Hillsborough County, within ninety
524 (90) days after the date this Compact is executed by the State
525 and the Tribe.

527 PART VI.

528 PATRON DISPUTES; WORKERS' COMPENSATION; TORT CLAIMS; PRIZE
529 CLAIMS; LIMITED CONSENT TO SUIT.-

530 A. All Patron disputes involving gaming will be resolved in
531 accordance with the procedures established in Article XI of the
532 Seminole Tribal Gaming Code.

533 B. Tort claims by employees of the Tribe's Facilities will



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534 be handled pursuant to the provisions of the Tribe's Workers'
535 Compensation Ordinance, which shall provide workers the same or
536 better protections as set forth in Florida's workers'
537 compensation laws.

538 C. Disputes by employees of the Tribe's Facilities will be
539 handled pursuant to the provisions of the Tribe's policy for
540 gaming employees, the Employee Fair Treatment and Dispute
541 Resolution Policy as provided in part XVIII.G.

542 D.1. A Patron who claims to have been injured in a Facility
543 where Covered Games are played is required to provide written
544 notice to the Tribe's Risk Management Department or the
545 Facility, in a reasonable and timely manner.

546 2. The Tribe shall have ten (10) days to respond to a claim
547 made by a Patron. When the Tribe responds to an incident alleged
548 to have caused a Patron's injury or illness, the Tribe shall
549 provide a claim form to the Patron. It is the Patron's
550 responsibility to complete the form and forward the form to the
551 Tribe's Risk Management Department within a reasonable period of
552 time, and in a reasonable and timely manner.

553 3. Upon receiving written notification of the claim, the
554 Tribe's Risk Management Department shall forward the
555 notification to the Tribe's insurance carrier. The Tribe will
556 use its best efforts to assure that the insurance carrier
557 contacts the Patron within a reasonable period of time following
558 receipt of the claim.

559 4. The insurance carrier will handle the claim to
560 conclusion. If the Patron and the insurance carrier are not able
561 to resolve the claim, the Patron may bring a tort claim against
562 the Tribe in any court of competent jurisdiction in the County



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563 in which the incident occurred, subject to a four (4) year
564 statute of limitations, which shall begin to run from the date
565 of the incident of the alleged claimed injury. Nothing in this
566 Part shall preclude a Patron from asserting a tort claim against
567 the Tribe from immediately filing suit in any court of competent
568 jurisdiction in the county where the claim arises without
569 resorting to or exhausting tribal remedies.

570 5. In no event shall the Tribe be deemed to have waived its
571 tribal immunity from suit beyond \$500,000 for an individual tort
572 claim and \$1,000,000 for the tort claims of all persons or
573 entities claiming injury in tort arising out of a single event
574 or occurrence. These limitations are intended to include
575 liability for compensatory damages as well as any costs,
576 prejudgment interest, and attorney's fees arising out of any
577 claim brought or asserted against the Tribe, its subordinate
578 governmental and economic units as well as any Tribal officials,
579 employees, servants, or agents in their official capacities.

580 6. The Tribe shall obtain and maintain a commercial general
581 liability policy which provides coverage of no less than
582 \$1,000,000 per occurrence and \$10,000,000 in the aggregate for
583 bodily injury, personal injury, and property damage arising out
584 of, connected with, or relating to the operation of Facilities
585 where Covered Games are offered.

586 7. Notices explaining the procedures and time limitations
587 with respect to making a tort claim shall be prominently
588 displayed in the Facilities, posted on the Tribe's website, and
589 provided to any Patron for whom the Tribe has notice of the
590 injury or property damage giving rise to the tort claim. Such
591 notices shall explain the method and places for making a tort



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592 claim.

593 8. The Tribe's insurance policy shall:

594 (a) Prohibit the insurer or the Tribe from invoking tribal
595 sovereign immunity up to the limits of the policy with respect
596 to any claim covered under the policy and disposed of in
597 accordance with the Tribe's tort claim procedures.

598 (b) Include covered claims made by a Patron or invitee for
599 personal injury or property damage.

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

602 (d) Provide that any award or judgment rendered in favor of
603 a Patron or invitee shall be satisfied solely from insurance
604 proceeds.

605
606 PART VII.

607 ENFORCEMENT OF COMPACT PROVISIONS.—

608 A. The Tribe and the Commission shall be responsible for
609 regulating activities pursuant to this Compact. As part of its
610 responsibilities, the Tribe has adopted or issued standards
611 designed to ensure that the Facilities are constructed,
612 operated, and maintained in a manner that adequately protects
613 the environment and public health and safety. Additionally, the
614 Tribe shall ensure that:

615 1. Operation of the conduct of Covered Games is in strict
616 compliance with (i) the Seminole Tribal Gaming Code, (ii) all
617 rules, regulations, procedures, specifications, and standards
618 lawfully adopted by the National Indian Gaming Commission and
619 the Commission, and (iii) the provisions of this Compact,
620 including, but not limited to, the standards and the Tribe's



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621 rules and regulations set forth in the Appendices;
622 2. Reasonable measures are taken to:
623 (a) Assure the physical safety of Facility Patrons,
624 employees, and any other person while in the Facility;
625 (b) Prevent illegal activity at the Facilities or with
626 regard to the operation of Covered Games, including, but not
627 limited to, the maintenance of employee procedures and a
628 surveillance system;
629 (c) Ensure prompt notification is given to appropriate law
630 enforcement authorities of persons who may be involved in
631 illegal acts in accordance with applicable law;
632 (d) Ensure that the construction and maintenance of the
633 Facilities comply with the standards that are at least as
634 stringent as the Florida Building Code, the provisions of which
635 the Tribe has adopted as the Seminole Tribal Building Code;
636 (e) Ensure adequate emergency access plans have been
637 prepared to ensure the health and safety of all Covered Game
638 Patrons;
639 (f) Employ, permit, or authorize only medical professionals
640 at its gaming facilities that are licensed by this state;
641 (g) Allow unimpeded access to the gaming facilities by
642 municipal or county emergency medical services; and
643 (h) Ensure, at a minimum, that the environmental
644 requirements of any federal permit will meet the standards
645 established for the state's environmental resource permitting
646 program as provided for in s. 373.414, Florida Statutes.
647 B. All licenses for members and employees of the Commission
648 shall be issued according to the same standards and terms
649 applicable to Facility employees. The Commission's compliance



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650 officers shall be independent of the Tribal gaming operations,
651 and shall be supervised by and accountable only to the
652 Commission. A Commission compliance officer shall be available
653 to the Facility during all hours of operation upon reasonable
654 notice, and shall have immediate access to any and all areas of
655 the Facility for the purpose of ensuring compliance with the
656 provisions of this Compact. The Commission shall investigate any
657 such suspected or reported violation of this Part and shall
658 officially enter into its files timely written reports of
659 investigations and any action taken thereon, and shall forward
660 copies of such investigative reports to the SCA within 30
661 calendar days of such filing. The scope of such reporting shall
662 be determined by a Memorandum of Understanding between the
663 Commission and the SCA as soon as practicable after the
664 Effective Date of this Compact. Any such violations shall be
665 reported immediately to the Commission, and the Commission shall
666 immediately forward the same to the SCA. In addition, the
667 Commission shall promptly report to the SCA any such violations
668 which it independently discovers.

669 C. In order to develop and foster a positive and effective
670 relationship in the enforcement of the provisions of this
671 Compact, representatives of the Commission and the SCA shall
672 meet, not less than on an annual basis, to review past practices
673 and examine methods to improve the regulatory scheme created by
674 this Compact. The meetings shall take place at a location
675 mutually agreed to by the Commission and the SCA. The SCA, prior
676 to or during such meetings, shall disclose to the Commission any
677 concerns, suspected activities, or pending matters reasonably
678 believed to possibly constitute violations of this Compact by



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679 any person, organization, or entity, if such disclosure will not
680 compromise the interest sought to be protected.

681

682 PART VIII.

683 STATE MONITORING OF COMPACT.—

684 A. The State shall secure an annual independent financial
685 audit of the conduct of Covered Games subject to this Compact.
686 The audit shall examine revenues in connection with the conduct
687 of Covered Games and shall include only those matters necessary
688 to verify the determination of Net Win and the basis and amount
689 of, and the right to, and the amount of the payments the Tribe
690 is obligated to make to the State pursuant to Part XI. of this
691 Compact and as defined by this Compact. A copy of the audit
692 report for the conduct of Covered Games shall be submitted to
693 the Commission within thirty (30) calendar days of completion.
694 Representatives of the SCA may, upon request, meet with the
695 Tribe and its auditors to discuss the audit or any matters in
696 connection therewith; provided, such discussions are limited to
697 Covered Games information. The annual independent financial
698 audit shall be performed by an independent accounting firm, with
699 experience in auditing casino operations, selected by the State,
700 subject to the consent of the Tribe, which shall not be
701 unreasonably withheld. The Tribe shall pay the accounting firm
702 for the costs of the annual independent financial audit.

703 B. The SCA shall, pursuant to the provisions of this
704 Compact, monitor the conduct of Covered Games to ensure that the
705 Covered Games are conducted in compliance with the provisions of
706 this Compact. In order to properly monitor the conduct of
707 Covered Games, agents of the SCA without prior notice or with



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708 concurrent notice shall have reasonable access to all public
709 areas of the Facilities related to the conduct of Covered Games
710 as provided herein.

711 1. While the Commission will act as the regulator of the
712 Facilities, the SCA may take reasonable steps to assure that
713 operations at the Facilities comply with the terms of this
714 Compact and may advise on such issues as it deems appropriate.

715 2. In order to fulfill its oversight responsibilities, the
716 State has identified specific oversight testing procedures, set
717 forth below in subsection 3., paragraphs (a), (b), and (c),
718 which the SCA may perform on a routine basis.

719 3. (a) The Tribe shall permit access to the SCA to inspect
720 with at least concurrent notice any Covered Games in operation
721 at the Facilities on a random basis, without limitation as to
722 frequency, to confirm that the Covered Games operate and play
723 properly pursuant to the manufacturer's technical standards and
724 are conducted in compliance with the rules, regulations, and
725 standards established by the Commission and this Compact. Such
726 random inspections shall occur during normal operating hours. No
727 advance notice is required when the SCA inspects public and
728 nonpublic areas of the Facility. However, representatives of the
729 SCA shall provide notice to the Commission of their presence for
730 such inspections. A Commission agent may accompany the
731 inspection.

732 (b) For each Facility, the SCA may perform one annual
733 review of the slot machine compliance audit.

734 (c) At least on an annual basis, the SCA may meet with the
735 Tribe's Internal Audit Department for Gaming to review internal
736 controls and violations of same by the Facilities.



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737 4. The SCA will seek to work with and obtain the assistance
738 of the Commission in the resolution of any conflicts with the
739 management of the Facilities, and the State and the Tribe shall
740 make their best efforts to resolve disputes through negotiation
741 whenever possible. Therefore, in order to foster a spirit of
742 cooperation and efficiency, the parties hereby agree that when
743 disputes arise between the SCA staff and Commission regulators
744 from the day-to-day regulation of the Facilities, they should
745 generally be resolved first through meeting and conferring in
746 good faith. This voluntary process does not proscribe the right
747 of either party to seek other relief that may be available when
748 circumstances require such relief. In the event of a dispute or
749 disagreement between Tribal and SCA regulators, the dispute or
750 disagreement shall be resolved in accordance with the dispute
751 resolution provisions of Part XIII. of this Compact.

752 5. Access to each Facility by the SCA shall be during the
753 Facility's operating hours only, provided that to the extent
754 such inspections are limited to areas of the Facility where the
755 public is normally permitted, the SCA agents may inspect the
756 Facility without giving prior notice to the Tribe or the
757 Commission.

758 6. Any suspected or claimed violations of this Compact or
759 law shall be directed in writing to the Commission; the SCA
760 agents, in conducting the functions assigned them under this
761 Compact, shall not unreasonably interfere with the functioning
762 of any Facility.

763 7. Before the SCA agents enter any nonpublic area of a
764 Facility, they shall provide photographic identification to the
765 Commission. The SCA agents shall be accompanied in nonpublic



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766 areas of the Facility by a Commission officer. Prior notice or
767 concurrent notice by the SCA to the Commission is required to
768 assure that a Commission officer is available to accompany the
769 SCA agents at all times.

770 8. There is no limit to the number of times or
771 opportunities that the SCA may inspect any covered games or
772 gaming devices in operation at a Facility on a random basis to
773 confirm that the operation and play of the games or devices
774 conform to manufacturer's technical standards or to the
775 standards specified in the compact.

776 9. There is no limit to the number of times the SCA may
777 review internal controls and violations by a Facility.

778 10. All gaming machines on the premises of each Facility
779 will be connected to a central computerized reporting and
780 auditing system on the gaming facility premises. The system
781 shall:

782 (a) Collect on a continual basis the unaltered activity of
783 each gaming machine in use at the gaming facility.

784 (b) Provide access to the state by a dedicated
785 telecommunications connection, on a "read-only" basis, upon
786 entry of appropriate security codes, and permit access to and
787 downloads of the wager and payout data of each machine,
788 electronically captured by the central computer. However, the
789 compact may not authorize the state to alter or affect the
790 operation of any gaming machine or other device on the premises
791 of the authorized gaming facility or the data provided to the
792 central computer.

793 (c) Be constructed and installed at the Tribe's expense to
794 provide electronic access to the state for the machine wager and



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795 payout data collected by the central computer.

796 (d) Be designed in conjunction with the state and the
797 Tribe's technical staff so as to preserve the integrity of the
798 system and the data contained therein, to minimize any
799 possibility of unauthorized access to the system or tampering
800 with the data, and to minimize any access by the state to
801 information other than machine wager and payout data residing in
802 the central reporting and auditing system.

803 C. Subject to the provisions herein, agents of the SCA
804 shall have the right to review, request, and receive copies of
805 documents of the Facility related to its conduct of Covered
806 Games. The review and copying of such documents shall be during
807 normal business hours unless otherwise allowed by the Tribe at
808 the Tribe's discretion. The Tribe shall not refuse said
809 inspection and copying of such documents, provided that the
810 inspectors may not require copies of documents in such volume
811 that it unreasonably interferes with the normal functioning of
812 the Facilities or Covered Games. To the extent that the Tribe
813 provides the State with information which the Tribe claims to be
814 confidential and proprietary, or a trade secret, the Tribe shall
815 clearly mark such information with the following designation:
816 "Trade Secret, Confidential and Proprietary." If the State
817 receives a request under Chapter 119, Florida Statutes, that
818 would include such designated information, the State shall
819 promptly notify the Tribe of such a request. The SCA may provide
820 copies of tribal documents to federal law enforcement and other
821 State agencies or State consultants that the State deems
822 reasonably necessary in order to conduct or complete any
823 investigation of suspected criminal activity in connection with



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824 the Tribe's Covered Games or the operation of the Facilities or
825 in order to assure the Tribe's compliance with this Compact.

826 D. At the completion of any SCA inspection or
827 investigation, the SCA may forward a written report thereof to
828 the Commission, containing all pertinent, nonconfidential,
829 nonproprietary information regarding any violation of applicable
830 laws or this Compact which was discovered during the inspection
831 or investigation unless disclosure thereof would adversely
832 impact an investigation of suspected criminal activity. Nothing
833 herein prevents the SCA from contacting tribal or federal law
834 enforcement authorities for suspected criminal wrongdoing
835 involving the Commission.

836 E. Except as expressly provided in this Compact, nothing in
837 this Compact shall be deemed to authorize the State to regulate
838 the Tribe's government, including the Commission, or to
839 interfere in any way with the Tribe's selection of its
840 governmental officers, including members of the Commission.

841
842 PART IX.

843 JURISDICTION.—The obligations and rights of the State and
844 the Tribe under this Compact are contractual in nature, and are
845 to be construed and enforced in accordance with the laws of the
846 State of Florida. This Compact shall not alter tribal, federal,
847 or state civil adjudicatory or criminal jurisdiction in any way.

848
849 PART X.

850 LICENSING.—The Tribe and the Commission shall comply with
851 the licensing and hearing requirements set forth in 25 C.F.R.
852 Parts 556 and 558, as well as the applicable licensing and



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853 hearing requirements set forth in Articles IV-VI of the Seminole
854 Tribal Gaming Code. The Commission shall notify the SCA of any
855 disciplinary hearings or revocation or suspension of licenses.
856

857 PART XI.

858 PAYMENTS TO THE STATE OF FLORIDA.—

859 A. The parties acknowledge and recognize that this Compact
860 provides the Tribe with partial but substantial exclusivity and
861 other valuable consideration consistent with the goals of the
862 Indian Gaming Regulatory Act, including special opportunities
863 for tribal economic development through gaming within the
864 external boundaries of Florida with respect to the play of
865 Covered Games. In consideration thereof, the Tribe covenants and
866 agrees, subject to the conditions agreed upon in Part XII. of
867 this Compact, to make Payments to the State derived from Net Win
868 as set forth in Section B. The Tribe further agrees to convert
869 all of its Class II video bingo terminals (or their equivalents)
870 to Class III slot machines within twenty-four (24) months after
871 the Effective Date of this Compact, or the Payment to the State
872 shall be calculated as if the conversion has been completed,
873 whether or not the Tribe has fully executed its conversion. The
874 Tribe further agrees that it will not purchase or lease any new
875 Class II video bingo terminals (or their equivalents) after the
876 Effective Date of this Compact.

877 B. Payment schedule.—Subject to the provisions in this Part
878 of the Compact, and subject to the limitations agreed upon in
879 Part XII. of the Compact, the amounts paid by the Tribe to the
880 State shall be calculated as follows:

881 1. For each Revenue Sharing Cycle, the Tribe agrees to pay



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882 not less than a Guaranteed Minimum Payment of One Hundred Fifty
883 Million Dollars (\$150,000,000) if the Revenue Share calculated
884 for that Revenue Sharing Cycle under subsection 3., below, is
885 less than the Guaranteed Minimum Payment.

886 2. All Guaranteed Minimum Payments shall be deducted from
887 and credited toward the Revenue Share in each Revenue Sharing
888 Cycle set forth below in subsection 3.

889 3. For each Revenue Sharing Cycles, to the extent that the
890 Revenue Share exceeds the Guaranteed Minimum Payment for each
891 Revenue Sharing Cycle, the Tribe agrees, as further provided in
892 subsection 4., to pay a Revenue Share for that Revenue Sharing
893 Cycle equal to the total amount calculated from the operation
894 and play of Covered Games from each Revenue Sharing Cycle as
895 follows:

896 (a) Twelve percent (12%) of all amounts up to Two and one
897 half Billion Dollars (\$2,500,000,000) of Net Win received by the
898 Tribe from the operation and play of Covered Games from each
899 Revenue Sharing Cycle;

900 (b) Fifteen percent (15%) of all amounts between Two and
901 one half Billion and One Dollars (\$2,500,000,001) and Three
902 Billion Dollars (\$3,000,000,000) of Net Win received by the
903 Tribe from the operation and play of Covered Games from each
904 Revenue Sharing Cycle;

905 (c) Twenty percent (20%) of all amounts between Three
906 Billion and One Dollar (\$3,000,000,001) and Four Billion Dollars
907 (\$4,000,000,000) of Net Win received by the Tribe from the
908 operation and play of Covered Games from each Revenue Sharing
909 Cycle;

910 (d) Twenty-two and one half percent (22.5%) of all amounts



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911 between Four Billion and One Dollar (\$4,000,000,001) and Four
912 and one half Billion Dollars (\$4,500,000,000) of Net Win
913 Received by the Tribe from the operation and play of Covered
914 Games from each Revenue Sharing Cycle; and

915 (e) Twenty-five percent (25%) of all amounts over Four and
916 one half Billion Dollars (\$4,500,000,000) of Net Win received by
917 the Tribe from the operation and play of Covered Games from each
918 Revenue Sharing Cycle.

919 4.(a) On or before the fifteenth day of the month following
920 the first month of the Revenue Sharing Cycle, the Tribe will
921 remit to the State the greater amount of eight and one-third
922 percent (8.3 percent) of the estimated annual Revenue Share or
923 eight and one-third percent (8.3 percent) of the Guaranteed
924 Minimum Payment ("the monthly payment").

925 (b) The Tribe will make available to the State at the time
926 of the monthly payment the basis for the calculation of the
927 Payment.

928 (c) Each month the Tribe will internally "true up" the
929 calculation of the estimated Revenue Share based on the Tribe's
930 un-audited financial statements related to Covered Games.

931 5.(a) On or before the forty-fifth day after the third
932 month, sixth month, ninth month, and twelfth month of each
933 Revenue Sharing Cycle, provided that the twelve (12) month
934 period does not coincide with the Tribe's fiscal year end date
935 as indicated in paragraph (c), the Tribe will provide the State
936 with an audit report by its independent auditors as to the
937 accuracy of the annual Revenue Share calculation.

938 (b) For each quarter of these Revenue Sharing Cycles the
939 Tribe will engage its independent auditors to conduct a review



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940 of the un-audited net revenue from Covered Games. On or before
941 the one hundred and twentieth day after the end of the Tribe's
942 fiscal year, the Tribe will require its independent auditors to
943 provide an audit report to verify Net Win for Covered Games and
944 the related Payment of the annual Revenue Share to the SCA for
945 State review.

946 (c) If the twelfth month of each Revenue Sharing Cycle does
947 not coincide with the Tribe's fiscal year, the Tribe will
948 require its independent auditors to deduct Net Win from Covered
949 Games for any of the months that are outside of the Revenue
950 Sharing Cycle and to include Net Win from Covered Games for
951 those months which fall outside of the Tribe's audit period but
952 fall within the Revenue Sharing Cycle, prior to issuing the
953 audit report.

954 (d) No later than thirty (30) calendar days after the day
955 the audit report is issued, the Tribe will remit to the State
956 any underpayment of the annual Revenue Share, and the State at
957 its discretion will either reimburse to the Tribe any
958 overpayment of the annual Revenue Share or authorize the
959 overpayment to be deducted from the next monthly payment.

960 C. Payments pursuant to Sections A. and B. above shall be
961 made to the State via electronic funds transfer in a manner
962 directed by the SCA for immediate transfer into the Educational
963 Enhancement Trust Fund of the Department of Education. Payments
964 will be due in accordance with the Payment Schedule set forth in
965 Section B. The appropriation of any Payments received by the
966 State pursuant to this Compact lies within the exclusive
967 prerogative of the Legislature.

968 D. The Annual Oversight Assessment to reimburse the State



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969 for the actual costs of the operation of the SCA to perform its
970 monitoring functions as defined in this Compact shall be
971 determined and paid in quarterly installments within thirty (30)
972 calendar days of receipt by the Tribe of an invoice from the
973 SCA. The Tribe reserves the right to audit the invoices on an
974 annual basis, a copy of which will be provided to the SCA, and
975 any discrepancies found therein shall be reconciled within
976 forty-five (45) calendar days of receipt of the audit by the
977 SCA. Out-of-pocket expenses to be incurred by the Governor or
978 his designee performing functions of the SCA unless and until
979 the SCA is designated by the Legislature shall be advanced by
980 the Tribe upon submission of properly documented requests.

981 E. As provided for 25 U.S.C. s. 2710(b)(2)(B)(v), the Tribe
982 agrees to pay to the State an additional amount equal to three
983 percent (3 percent) of the annual amount set forth in Section B.
984 of this Part, which funds shall be used for the purposes of
985 offsetting the impacts of the Tribe's facilities on the
986 operations of local governments.

987 F. Any moneys remitted by the Tribe before the effective
988 date of this Compact shall be deemed forfeited by the Tribe and
989 released to the State without further obligation or encumbrance.
990 Acceptance and appropriation of such funds does not legitimize,
991 validate, or otherwise ratify any previously proposed compact or
992 the operation of class III games by the Tribe for any period
993 prior to the effective date of this Compact.

994 G. Except as expressly provided in this Part, nothing in
995 this Compact shall be deemed to require the Tribe to make
996 payments of any kind to the State or any of its agencies.
997



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998 PART XII.

999 REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY
1000 OR OTHER CHANGES IN FLORIDA LAW.—The intent of this Part is to
1001 provide the Tribe with the right to operate Covered Games on an
1002 exclusive basis as provided in this compact, subject to the
1003 exceptions and provisions set forth below.

1004 A. If Class III gaming as defined in this Compact that is
1005 not presently authorized by or under Florida law is authorized
1006 for any location within the State of Florida that is under the
1007 jurisdiction of the State and Tribal Net Win plus revenues from
1008 its remaining Class II video bingo terminals (or their
1009 equivalents) within its Facilities statewide drops below \$1.37
1010 billion, the Payments due the State pursuant to Part XI.,
1011 Sections A. and B. of this Compact shall be reduced based on the
1012 proportion of net win below \$1.37 billion. The Payments due the
1013 State pursuant to Part XI., Sections A. and B. of this Compact
1014 shall resume in full if the Tribe's annual Net Win plus revenues
1015 from its remaining Class II video bingo terminals (or their
1016 equivalents) within its Facilities statewide again reaches or
1017 exceeds \$1.37 billion.

1018 B. The following are exceptions to the exclusivity
1019 provisions of Section A. above.

1020 1. Any Class III gaming authorized by a compact between the
1021 State and any other federally recognized tribe pursuant to the
1022 Indian Gaming Regulatory Act will not be a breach or other
1023 violation of the exclusivity provisions set forth in Section A.
1024 above.

1025 2. The conduct of illegal or otherwise unauthorized gaming
1026 within the State shall not be considered a breach or other



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1027 violation of the exclusivity provisions set forth in Section A.
1028 above.

1029 3. Any Class III slot machine gaming authorized after the
1030 effective date of this compact for pari-mutuel facilities in
1031 Miami-Dade County or Broward County will not be a breach or
1032 violation of the exclusivity provisions set forth in Section A.
1033 above.

1034 4. Any historic racing machines, electronic bingo machines,
1035 and pari-mutuel wagering activities at licensed pari-mutuel
1036 facilities authorized after the effective date of this compact
1037 will not be a breach or violation of the exclusivity provisions
1038 set forth in Section A. above.

1039 C. Revenue sharing by the Tribe may not be reduced or
1040 eliminated by the existence of any gaming activities being
1041 conducted in Florida at the time this compact is ratified which
1042 are illegal or are of unsettled legal status.

1043 D. If the Florida Constitution is amended to repeal the
1044 slot machine amendment in s. 23, Article X of the State
1045 Constitution, the Legislature authorizes the Seminoles to
1046 continue to offer the play of covered games under the terms of
1047 the compact authorized pursuant to this section during the
1048 remainder of the term of the compact.

1049 E. To the extent that the Tribe's ongoing Payment
1050 obligations to the State pursuant to Part XI., Sections A. and
1051 B. of this Compact are reduced, any outstanding Payments that
1052 would have been due the State from the Tribe's Facilities prior
1053 to the event authorizing the reduction shall be made within
1054 thirty (30) business days after cessation.

1055 F. Any reduction of Payments authorized under this Compact



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1056 shall not excuse the Tribe from continuing to comply with all
1057 other provisions of this Compact, including continuing to pay
1058 the State the Annual Oversight Assessment as set forth in Part
1059 XI., Section C. of this Compact. Furthermore, the State shall
1060 continue to have the right to monitor the Tribe's compliance
1061 with the Compact.

1062 G. In the event that revenue sharing payments to the State
1063 made pursuant to Part XI., Sections A. and B. are reduced under
1064 this Part, the annual amount payable to the State for the
1065 impacts to local governments under Part XI., Section E. shall be
1066 calculated as the amount paid for the last full revenue sharing
1067 year. Such payments shall continue to be calculated in such
1068 manner until the revenue sharing payments under Part XI.,
1069 Sections A. and B. are restored.

1070 H. Nothing in this Compact is intended to affect the
1071 ability of the State Legislature to enact laws either further
1072 restricting or expanding gambling on non-tribal lands.

1073
1074 PART XIII.

1075 DISPUTE RESOLUTION.—In the event that either party to this
1076 Compact believes that the other party has failed to comply with
1077 any requirements of this Compact, or in the event of any dispute
1078 hereunder, including, but not limited to, a dispute over the
1079 proper interpretation of the terms and conditions of this
1080 Compact, the goal of the Parties is to resolve all disputes
1081 amicably and voluntarily whenever possible. In pursuit of this
1082 goal, the following procedures may be invoked:

1083 A. A party asserting noncompliance or seeking an
1084 interpretation of this Compact first shall serve written notice



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1085 on the other party. The notice shall identify the specific
1086 Compact provision alleged to have been violated or in dispute
1087 and shall specify in detail the asserting party's contention and
1088 any factual basis for the claim. Representatives of the Tribe
1089 and State shall meet within thirty (30) calendar days of receipt
1090 of notice in an effort to resolve the dispute, unless they
1091 mutually agree to extend this period.

1092 B. A party asserting noncompliance or seeking an
1093 interpretation of this Compact under this Part shall be deemed
1094 to have certified that to the best of the party's knowledge,
1095 information, and belief formed after reasonable inquiry, the
1096 claim of noncompliance or the request for interpretation of this
1097 Compact is warranted and made in good faith and not for any
1098 improper purpose, such as to harass or to cause unnecessary
1099 delay or the needless incurring of the cost of resolving the
1100 dispute.

1101 C. If the parties are unable to resolve a dispute through
1102 the process specified in Sections A. and B. of this Part, the
1103 parties may agree to mediation under the Commercial Mediation
1104 Procedures of the American Arbitration Association (AAA), or any
1105 such successor procedures, provided that such mediation does not
1106 last more than sixty (60) calendar days, unless an extension to
1107 this time limit is mutually agreed to by the parties. The
1108 disputes available for resolution through mediation are limited
1109 to matters arising under the terms of this Compact.

1110 D. If the parties are unable to resolve a dispute through
1111 the process specified in Sections A., B., and C. of this Part,
1112 notwithstanding any other provision of law, the State may bring
1113 an action against the Tribe in any court of competent



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1114 jurisdiction regarding any dispute arising under this Compact.
1115 The State is entitled to all remedies available under law or in
1116 equity.

1117 E. For purposes of actions based on disputes between the
1118 State and the Tribe that arise under this Compact and the
1119 enforcement of any judgment resulting therefore, the Tribe
1120 expressly waives its right to assert sovereign immunity from
1121 suit and from enforcement of any ensuing judgment, and further
1122 consents to be sued in federal or state court, including the
1123 rights of appeal, as the case may be, provided that (i) the
1124 dispute is limited solely to issues arising under this Compact,
1125 (ii) there is no claim for monetary damages (except that payment
1126 of any money required by the terms of this Compact, as well as
1127 injunctive relief or specific performance enforcing a provision
1128 of this Compact requiring the payment of money to the State may
1129 be sought), and (iii) nothing herein shall be construed to
1130 constitute a waiver of the sovereign immunity of the Tribe with
1131 respect to any third party that is made a party or intervenes as
1132 a party to the action.

1133 F. The State may not be precluded from pursuing any
1134 mediation or judicial remedy against the Tribe on the grounds
1135 that the State has failed to exhaust its Tribal administrative
1136 remedies.

1137 G. Notwithstanding anything to the contrary in this Part,
1138 any failure of the Tribe to remit the Payments pursuant to the
1139 terms of Part XI. will entitle the State to seek mandatory
1140 injunctive relief in federal or state court, at the State's
1141 election, to compel the Payments after exhausting the dispute
1142 resolution process in Sections A. and B. of this Part.



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1143 H. The State shall be entitled to seek immediate injunctive
1144 relief in the event the Tribe offers or continues to offer Class
1145 III games not authorized under this Compact.

1146 I. Notwithstanding any other provision of law to the
1147 contrary, if the parties are unable to resolve a dispute through
1148 the process specified in Sections A., B., and C., of this Part,
1149 provided that the State does not exercise its option to file an
1150 action against the Tribe under Section D., either party may
1151 invoke presuit nonbinding arbitration to resolve any dispute
1152 between the parties arising under the compact.

1153 (a) The party demanding the presuit nonbinding arbitration
1154 shall immediately ask the American Arbitration Association to
1155 furnish a list of 11 arbitrators, each of whom shall have at
1156 least 5 years of commercial arbitration experience and no
1157 financial interest in or prior relationship with any of the
1158 parties or their affiliated or related entities or principals.

1159 (b) The state and the Tribe shall each select a single
1160 arbitrator from the list provided by the American Arbitration
1161 Association within 10 days after receipt, and the individuals so
1162 selected shall choose one additional arbitrator from the list
1163 within the next 10 days. The three arbitrators selected shall
1164 constitute the panel that shall arbitrate the dispute between
1165 the parties pursuant to the American Arbitration Association
1166 Commercial Arbitration Rules and Chapter 682, Florida Statutes.

1167 (c) At the conclusion of the proceedings, which shall be no
1168 later than 90 days after the demand for arbitration, the
1169 arbitration panel shall present to the parties a proposed
1170 agreement that the majority of the panel believes equitably
1171 balances the rights, interests, obligations, and reasonable



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1172 expectations of the parties.

1173 (d) The parties shall, within 10 days after the arbitration
1174 panel's issuance of the proposed agreement, enter into such
1175 agreement or notify the opposing party of its intent to reject
1176 the agreement and proceed with a lawsuit to resolve the dispute.

1177 (e) Each party shall pay its respective costs of
1178 arbitration and shall pay one-half of the costs of the
1179 arbitration panel.

1180 (f) The arbitrator's decision may not be enforced in any
1181 court.

1182 J. If the arbitrator finds that the state is not in
1183 compliance with the Compact, the State shall have the
1184 opportunity to challenge the decision of the arbitrators by
1185 bringing an independent action against the Tribe in federal
1186 district court ("federal court") regarding the dispute
1187 underlying the arbitration in a district in which the federal
1188 court has venue. If the federal court declines to exercise
1189 jurisdiction, or federal precedent exists that rules that the
1190 federal court would not have jurisdiction over such a dispute,
1191 the State may bring the action in the Courts of the Seventeenth
1192 Judicial Circuit in and for Broward County, Florida. The State
1193 is entitled to all rights of appeal permitted by law in the
1194 court system in which the action is brought. The State shall be
1195 entitled to de novo review of the arbitrators' decision under
1196 this Section. For the purpose of this Section, the Tribe agrees
1197 to waive its immunity as provided in Section E. of this Part.

1198
1199 PART XIV.

1200 CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.-



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1201 A. If any provision of this Compact relating to the covered
1202 games, revenue sharing payments, suspension or reduction of
1203 payments, or exclusivity is held by a court of competent
1204 jurisdiction to be invalid, this Compact will become null and
1205 void. If any provision, part, section, or subsection of this
1206 Compact is determined by a federal district court in Florida or
1207 other court of competent jurisdiction to impose a mandatory duty
1208 on the State of Florida that requires authorization by the
1209 Florida Legislature, the duty conferred by that particular
1210 provision, part, section, or subsection shall no longer be
1211 mandatory but will be deemed to be a matter within the
1212 discretion of the Governor or other State officers, subject to
1213 such legislative approval as may be required by Florida law.

1214 B. It is understood that Part XII. of this Compact, which
1215 provides for a reduction of the Payments to the State under Part
1216 XI., does not create any duty on the State of Florida but only a
1217 remedy for the Tribe if Class III gambling under state
1218 jurisdiction is expanded by operation of law and Tribal net win
1219 falls below \$1.37 billion.

1220 C. This Compact is intended to meet the requirements of the
1221 Indian Gaming Regulatory Act as it reads on the Effective Date
1222 of this Compact, and where reference is made to the Indian
1223 Gaming Regulatory Act, or to an implementing regulation thereof,
1224 the reference is deemed to have been incorporated into this
1225 document as if set in full. Subsequent changes to the Indian
1226 Gaming Regulatory Act that diminish the rights of the State or
1227 Tribe may not be applied retroactively to alter the terms of
1228 this Compact, except to the extent that federal law validly
1229 mandates that retroactive application without the respective



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1230 consent of the State or Tribe. In the event that a subsequent
1231 change to the Indian Gaming Regulatory Act, or to an
1232 implementing regulation thereof, mandates the retroactive
1233 application without the respective consent of the state or
1234 Tribe, the parties agree that this Compact is void if the
1235 subsequent change materially alters the minimum terms and
1236 standards in the compact relating to the covered games, revenue
1237 sharing payments, suspension or reduction of payments, or
1238 exclusivity.

1239 D. Neither the presence in another tribal-state compact of
1240 language that is not included in this Compact, nor the absence
1241 in this Compact of language that is present in another tribal-
1242 state compact shall be a factor in construing the terms of this
1243 Compact.

1244 E. Upon Legislative ratification, the parties shall
1245 cooperate and use their best efforts in seeking approval of this
1246 Compact from the Secretary of the Interior and the parties
1247 further agree that, upon ratification by the Legislature, the
1248 Tribe shall submit the Compact to the Secretary forthwith.

1249
1250 PART XV.

1251 NOTICES.—All notices required under this Compact shall be
1252 given by (i) certified mail, return receipt requested, (ii)
1253 commercial overnight courier service, or (iii) personal
1254 delivery, to the following persons:

1255 A. The Governor.

1256 B. The General Counsel to the Governor.

1257 C. The Chair of the Seminole Tribe of Florida.

1258 D. The General Counsel to the Seminole Tribe of Florida.



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PART XVI.

EFFECTIVE DATE AND TERM.—

A. This Compact shall become effective upon ratification by the Legislature and subsequent approval of the Compact by the Secretary of the Interior as a tribal-state compact within the meaning of the Indian Gaming Regulatory Act either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d) (7) (C).

B. This Compact shall have a term of fifteen (15) years, beginning on the first day of the month following the month in which the Compact becomes effective under Section A. of this Part. This Compact shall remain in full force and effect until the sooner of expiration of its terms or until terminated by mutual agreement of the parties.

PART XVII.

AMENDMENT OF COMPACT AND REFERENCES.—

A. Amendment of this Compact may only be made by written agreement of the parties, subject to approval by the Secretary either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d) (7) (C).

B. Legislative ratification is required for any amendment to the Compact that is not consistent with the terms and standards set forth in ss. 285.710 and 285.711, Florida Statutes, or that alters the provisions relating to the covered games, the amount of revenue sharing payments, suspension or reduction in payments, or exclusivity.



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1317 or accidents causing damage to or destruction of one or more of
1318 its Facilities or property necessary to operate the
1319 Facility(ies), (i) the Tribe's obligation to pay the Guaranteed
1320 Minimum Payment described in Part XI. shall be reduced pro rata
1321 to reflect the percentage of the total Net Win lost to the Tribe
1322 from the impacted Facility(ies) and (ii) the Net Win specified
1323 under Part XI., Section B., for purposes of determining whether
1324 the Tribe's payments described in Part XI. shall be reduced pro
1325 rata to reflect the percentage of the total Net Win lost to the
1326 Tribe from the impacted Facility(ies). The foregoing shall not
1327 excuse any obligations of the Tribe to make Payments to the
1328 State as and when required hereunder or in any related document
1329 or agreement.

1330 D. The Tribe and the State recognize that opportunities to
1331 engage in gaming in smoke-free or reduced-smoke environments
1332 provides both health and other benefits to Patrons, and the
1333 Tribe has already instituted a non-smoking section at its
1334 Seminole Hard Rock Hotel & Casino - Hollywood Facility. As part
1335 of its continuing commitment to this issue, the Tribe will:

1336 1. Install and utilize a ventilation system at all new
1337 construction at its Facilities, which system exhausts tobacco
1338 smoke to the extent reasonably feasible under existing state-of-
1339 the-art technology;

1340 2. Designate a smoke-free area for slot machines at all new
1341 construction at its Facilities; and

1342 3. Install non-smoking, vented tables for table games in
1343 its Facilities sufficient to respond to demand for such tables.

1344 E. The annual average minimum pay-out of all slot machines
1345 in each Facility shall not be less than eighty-five percent (85



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1346 percent).

1347 F. Nothing in this Compact shall alter any of the existing
1348 memoranda of understanding, contracts, or other agreements
1349 entered into between the Tribe and any other federal, state, or
1350 local governmental entity.

1351 G. The Tribe currently has as set forth in its Employee
1352 Fair Treatment and Dispute Resolution Policy, and agrees to
1353 maintain, standards that are comparable to the standards
1354 provided in federal laws and State laws forbidding employers
1355 from discrimination in connection with the employment of persons
1356 working at the Facilities on the basis of race, color, religion,
1357 national origin, gender, age, disability/handicap, or marital
1358 status. Nothing herein shall preclude the Tribe from giving
1359 preference in employment, promotion, seniority, lay-offs, or
1360 retention to members of the Tribe and other federally recognized
1361 tribes. The Tribe will comply with all federal and state labor
1362 laws, where applicable. The Tribe shall provide a process for
1363 employee disputes which permits the employee to be represented
1364 by an attorney or other legally authorized representative. The
1365 process shall permit the employee to use language interpreters,
1366 including interpreters for the deaf or hard of hearing.

1367 H. The Tribe agrees to use its best efforts to spend its
1368 revenue in this state to acquire goods and services from
1369 Florida-based vendors, professionals, and material and service
1370 providers.

1371 Section 3. Subsection (3) of section 1013.737, Florida
1372 Statutes, is amended to read:

1373 1013.737 The Class Size Reduction Lottery Revenue Bond
1374 Program.—There is established the Class Size Reduction Lottery



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1375 Revenue Bond Program.

1376 (3) The state hereby covenants with the holders of such
1377 revenue bonds that it will not take any action that will
1378 materially and adversely affect the rights of such holders so
1379 long as bonds authorized by this section are outstanding. The
1380 state does hereby additionally authorize the establishment of a
1381 covenant in connection with the bonds which provides that any
1382 additional funds received by the state from new or enhanced
1383 lottery programs; video gaming; banking card games, including
1384 baccarat, chemin de fer, or blackjack; electronic or
1385 electromechanical facsimiles of any game of chance; casino
1386 games; slot machines; or other similar activities will first be
1387 available for payments relating to bonds pledging revenues
1388 available pursuant to s. 24.121(2), prior to use for any other
1389 purpose.

1390 Section 4. Subsections (11) and (38) of section 550.002,
1391 Florida Statutes, are amended to read:

1392 550.002 Definitions.—As used in this chapter, the term:

1393 (11) "Full schedule of live racing or games" means, for a
1394 greyhound or jai alai permitholder, the conduct of a combination
1395 of at least 100 live evening or matinee performances during the
1396 preceding year; for a permitholder who has a converted permit or
1397 filed an application on or before June 1, 1990, for a converted
1398 permit, the conduct of a combination of at least 100 live
1399 evening and matinee wagering performances during either of the 2
1400 preceding years; for a jai alai permitholder who does not
1401 operate slot machines in its pari-mutuel facility, who has
1402 conducted at least 100 live performances per year for at least
1403 10 years after December 31, 1992, and whose handle on live jai



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1404 alai games conducted at its pari-mutuel facility has been less
1405 than \$4 million per state fiscal year for at least 2 consecutive
1406 years after June 30, 1992, the conduct of a combination of at
1407 least 40 live evening or matinee performances during the
1408 preceding year; for a jai alai permitholder who operates slot
1409 machines in its pari-mutuel facility, the conduct of a
1410 combination of at least 150 performances during the preceding
1411 year; for a harness permitholder, the conduct of at least 100
1412 live regular wagering performances during the preceding year;
1413 for a quarter horse permitholder at its facility unless an
1414 alternative schedule of at least 20 live regular wagering
1415 performances is agreed upon by the permitholder and either the
1416 Florida Quarter Horse Racing Association or the horsemen's
1417 association representing the majority of the quarter horse
1418 owners and trainers at the facility and filed with the division
1419 along with its annual date application, in the 2010-2011 fiscal
1420 year, the conduct of at least 20 regular wagering performances,
1421 in the 2011-2012 and 2012-2013 fiscal years, the conduct of at
1422 least 30 live regular wagering performances, and for every
1423 fiscal year after the 2012-2013 fiscal year, the conduct of at
1424 least 40 live regular wagering performances during the preceding
1425 year; for a quarter horse permitholder leasing another licensed
1426 racetrack, the conduct of 160 events at the leased facility; and
1427 for a thoroughbred permitholder, the conduct of at least 40 live
1428 regular wagering performances during the preceding year. For a
1429 permitholder which is restricted by statute to certain operating
1430 periods within the year when other members of its same class of
1431 permit are authorized to operate throughout the year, the
1432 specified number of live performances which constitute a full



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1433 schedule of live racing or games shall be adjusted pro rata in
1434 accordance with the relationship between its authorized
1435 operating period and the full calendar year and the resulting
1436 specified number of live performances shall constitute the full
1437 schedule of live games for such permitholder and all other
1438 permitholders of the same class within 100 air miles of such
1439 permitholder. A live performance must consist of no fewer than
1440 eight races or games conducted live for each of a minimum of
1441 three performances each week at the permitholder's licensed
1442 facility under a single admission charge.

1443 (38) "Year," for purposes of determining a full schedule of
1444 live racing, means the state fiscal ~~calendar~~ year.

1445 Section 5. Subsection (3) of section 550.01215, Florida
1446 Statutes, is amended to read:

1447 550.01215 License application; periods of operation; bond,
1448 conversion of permit.—

1449 (3) ~~Except as provided in s. 550.5251 for thoroughbred~~
1450 ~~racing,~~ The division shall issue each license no later than
1451 March 15. Each permitholder shall operate all performances at
1452 the date and time specified on its license. The division shall
1453 have the authority to approve minor changes in racing dates
1454 after a license has been issued. The division may approve
1455 changes in racing dates after a license has been issued when
1456 there is no objection from any operating permitholder located
1457 within 50 miles of the permitholder requesting the changes in
1458 operating dates. In the event of an objection, the division
1459 shall approve or disapprove the change in operating dates based
1460 upon the impact on operating permitholders located within 50
1461 miles of the permitholder requesting the change in operating



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1462 dates. In making the determination to change racing dates, the
1463 division shall take into consideration the impact of such
1464 changes on state revenues.

1465 Section 6. Subsection (14) is added to section 550.054,
1466 Florida Statutes, to read:

1467 550.054 Application for permit to conduct pari-mutuel
1468 wagering.-

1469 (14) (a) Any holder of a permit to conduct jai alai may
1470 apply to the division to convert such permit to a permit to
1471 conduct greyhound racing in lieu of jai alai if:

1472 1. Such permit is located in a county in which the division
1473 has issued only two pari-mutuel permits pursuant to this
1474 section;

1475 2. Such permit was not previously converted from any other
1476 class of permit; and

1477 3. The holder of the permit has not conducted jai alai
1478 games during a period of 10 years immediately preceding his or
1479 her application for conversion under this subsection.

1480 (b) The division, upon application from the holder of a jai
1481 alai permit meeting all conditions of this section, shall
1482 convert the permit and shall issue to the permitholder a permit
1483 to conduct greyhound racing. A permitholder of a permit
1484 converted under this section shall be required to apply for and
1485 conduct a full schedule of live racing each fiscal year to be
1486 eligible for any tax credit provided by this chapter. The holder
1487 of a permit converted pursuant to this subsection or any holder
1488 of a permit to conduct greyhound racing located in a county in
1489 which it is the only permit issued pursuant to this section who
1490 operates at a leased facility pursuant to s. 550.475 may move



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1491 the location for which the permit has been issued to another
1492 location within a 30-mile radius of the location fixed in the
1493 permit issued in that county, provided the move does not cross
1494 the county boundary and such location is approved under the
1495 zoning regulations of the county or municipality in which the
1496 permit is located, and upon such relocation may use the permit
1497 for the conduct of pari-mutuel wagering and the operation of a
1498 cardroom. The provisions of s. 550.6305(9) (d) and (f) shall
1499 apply to any permit converted under this subsection and shall
1500 continue to apply to any permit which was previously included
1501 under and subject to such provisions before a conversion
1502 pursuant to this section occurred.

1503 Section 7. Paragraph (b) of subsection (1) and subsection
1504 (5) of section 550.0951, Florida Statutes, are amended, and
1505 subsection (6) of that section is reenacted, to read:

1506 550.0951 Payment of daily license fee and taxes;
1507 penalties.—

1508 (1)

1509 (b) Each permitholder that cannot utilize the full amount
1510 of the exemption of \$360,000 or \$500,000 provided in s.
1511 550.09514(1) or the daily license fee credit provided in this
1512 section may, after notifying the division in writing, elect once
1513 per state fiscal year on a form provided by the division to
1514 transfer such exemption or credit or any portion thereof to any
1515 greyhound permitholder which acts as a host track to such
1516 permitholder for the purpose of intertrack wagering. Once an
1517 election to transfer such exemption or credit is filed with the
1518 division, it shall not be rescinded. The division shall
1519 disapprove the transfer when the amount of the exemption or



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1520 credit or portion thereof is unavailable to the transferring
1521 permitholder or when the permitholder who is entitled to
1522 transfer the exemption or credit or who is entitled to receive
1523 the exemption or credit owes taxes to the state pursuant to a
1524 deficiency letter or administrative complaint issued by the
1525 division. Upon approval of the transfer by the division, the
1526 transferred tax exemption or credit shall be effective for the
1527 first performance of the next payment ~~biweekly pay~~ period as
1528 specified in subsection (5). The exemption or credit transferred
1529 to such host track may be applied by such host track against any
1530 taxes imposed by this chapter or daily license fees imposed by
1531 this chapter. The greyhound permitholder host track to which
1532 such exemption or credit is transferred shall reimburse such
1533 permitholder the exact monetary value of such transferred
1534 exemption or credit as actually applied against the taxes and
1535 daily license fees of the host track. The division shall ensure
1536 that all transfers of exemption or credit are made in accordance
1537 with this subsection and shall have the authority to adopt rules
1538 to ensure the implementation of this section.

1539 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments
1540 ~~Payment for the admission tax, tax on handle, and the breaks tax~~
1541 imposed by this section shall be paid to the division. The
1542 division shall deposit these sums with the Chief Financial
1543 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,
1544 hereby established. The permitholder shall remit to the division
1545 payment for the daily license fee, the admission tax, the tax on
1546 handle, and the breaks tax. Such payments shall be remitted by 3
1547 p.m. Wednesday of each week for taxes imposed and collected for
1548 the preceding week ending on Sunday. Beginning on July 1, 2012,



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1549 such payments shall be remitted by 3 p.m. on the 5th day of each
1550 calendar month for taxes imposed and collected for the preceding
1551 calendar month. If the 5th day of the calendar month falls on a
1552 weekend, payments shall be remitted by 3 p.m. the first Monday
1553 following the weekend. Permitholders shall file a report under
1554 oath by the 5th day of each calendar month for all taxes
1555 remitted during the preceding calendar month. Such payments
1556 shall be accompanied by a report under oath showing the total of
1557 all admissions, the pari-mutuel wagering activities for the
1558 preceding calendar month, and such other information as may be
1559 prescribed by the division.

1560 (6) PENALTIES.—

1561 (a) The failure of any permitholder to make payments as
1562 prescribed in subsection (5) is a violation of this section, and
1563 the permitholder may be subjected by the division to a civil
1564 penalty of up to \$1,000 for each day the tax payment is not
1565 remitted. All penalties imposed and collected shall be deposited
1566 in the General Revenue Fund. If a permitholder fails to pay
1567 penalties imposed by order of the division under this
1568 subsection, the division may suspend or revoke the license of
1569 the permitholder, cancel the permit of the permitholder, or deny
1570 issuance of any further license or permit to the permitholder.

1571 (b) In addition to the civil penalty prescribed in
1572 paragraph (a), any willful or wanton failure by any permitholder
1573 to make payments of the daily license fee, admission tax, tax on
1574 handle, or breaks tax constitutes sufficient grounds for the
1575 division to suspend or revoke the license of the permitholder,
1576 to cancel the permit of the permitholder, or to deny issuance of
1577 any further license or permit to the permitholder.



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1578 Section 8. Paragraph (e) of subsection (2) and paragraph
1579 (b) of subsection (3) of section 550.09511, Florida Statutes,
1580 are amended to read:

1581 550.09511 Jai alai taxes; abandoned interest in a permit
1582 for nonpayment of taxes.—

1583 (2) Notwithstanding the provisions of s. 550.0951(3) (b),
1584 wagering on live jai alai performances shall be subject to the
1585 following taxes:

1586 (e) The payment of taxes pursuant to paragraphs (b), (c),
1587 and (d) shall be calculated and commence beginning the day ~~after~~
1588 ~~the biweekly period~~ in which the permitholder is first entitled
1589 to the reduced rate specified in this section and the report of
1590 taxes required by s. 550.0951(5) is submitted to the division.

1591 (3)

1592 (b) The payment of taxes pursuant to paragraph (a) shall be
1593 calculated and commence beginning the day ~~after the biweekly~~
1594 ~~period~~ in which the permitholder is first entitled to the
1595 reduced rate specified in this subsection.

1596 Section 9. Subsection (1) of section 550.09514, Florida
1597 Statutes, is amended to read:

1598 550.09514 Greyhound dogracing taxes; purse requirements.—

1599 (1) Wagering on greyhound racing is subject to a tax on
1600 handle for live greyhound racing as specified in s. 550.0951(3).
1601 However, each permitholder shall pay no tax on handle until such
1602 time as this subsection has resulted in a tax savings per state
1603 fiscal year of \$360,000. Thereafter, each permitholder shall pay
1604 the tax as specified in s. 550.0951(3) on all handle for the
1605 remainder of the permitholder's current race meet, ~~and the tax~~
1606 ~~must be calculated and commence beginning the day after the~~



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1607 ~~biweekly period in which the permitholder reaches the maximum~~
1608 ~~tax savings per state fiscal year provided in this section.~~ For
1609 the three permitholders that conducted a full schedule of live
1610 racing in 1995, and are closest to another state that authorizes
1611 greyhound pari-mutuel wagering, the maximum tax savings per
1612 state fiscal year shall be \$500,000. The provisions of this
1613 subsection relating to tax exemptions shall not apply to any
1614 charity or scholarship performances conducted pursuant to s.
1615 550.0351.

1616 Section 10. Subsections (1), (2), (5), (6), and (10) of
1617 section 550.105, Florida Statutes, are amended to read:

1618 550.105 Occupational licenses of racetrack employees; fees;
1619 denial, suspension, and revocation of license; penalties and
1620 fines.—

1621 (1) Each person connected with a racetrack or jai alai
1622 fronton, as specified in paragraph (2)(a), shall purchase from
1623 the division an ~~annual~~ occupational license, ~~which license is~~
1624 ~~valid from May 1 until June 30 of the following year.~~ All moneys
1625 collected pursuant to this section each fiscal year shall be
1626 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~
1627 ~~may, at her or his option and~~ Pursuant to the rules adopted by
1628 the division, ~~purchase~~ an occupational license may be valid for
1629 a period of up to 3 years for a fee that does not exceed ~~if the~~
1630 ~~purchaser of the license pays~~ the full occupational license fee
1631 for each of the years for which the license is purchased ~~at the~~
1632 ~~time the 3-year license is requested.~~ The occupational license
1633 shall be valid during its specified term at any pari-mutuel
1634 facility.

1635 (2) (a) The following licenses shall be issued to persons or



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1636 entities with access to the backside, racing animals, jai alai
1637 players' room, jockeys' room, drivers' room, totalisator room,
1638 the mutuels, or money room, or to persons who, by virtue of the
1639 position they hold, might be granted access to these areas or to
1640 any other person or entity in one of the following categories
1641 and with ~~scheduled annual~~ fees not to exceed the following
1642 amounts for any 12-month period as follows:

1643 1. Business licenses: any business such as a vendor,
1644 contractual concessionaire, contract kennel, business owning
1645 racing animals, trust or estate, totalisator company, stable
1646 name, or other fictitious name: \$50.

1647 2. Professional occupational licenses: professional persons
1648 with access to the backside of a racetrack or players' quarters
1649 in jai alai such as trainers, officials, veterinarians, doctors,
1650 nurses, EMT's, jockeys and apprentices, drivers, jai alai
1651 players, owners, trustees, or any management or officer or
1652 director or shareholder or any other professional-level person
1653 who might have access to the jockeys' room, the drivers' room,
1654 the backside, racing animals, kennel compound, or managers or
1655 supervisors requiring access to mutuels machines, the money
1656 room, or totalisator equipment: \$40.

1657 3. General occupational licenses: general employees with
1658 access to the jockeys' room, the drivers' room, racing animals,
1659 the backside of a racetrack or players' quarters in jai alai,
1660 such as grooms, kennel helpers, leadouts, pelota makers, cesta
1661 makers, or ball boys, or a practitioner of any other occupation
1662 who would have access to the animals, the backside, or the
1663 kennel compound, or who would provide the security or
1664 maintenance of these areas, or mutuel employees, totalisator



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1665 employees, money-room employees, or any employee with access to
1666 mutuels machines, the money room, or totalisator equipment or
1667 who would provide the security or maintenance of these areas:
1668 \$10.

1669

1670 The individuals and entities that are licensed under this
1671 paragraph require heightened state scrutiny, including the
1672 submission by the individual licensees or persons associated
1673 with the entities described in this chapter of fingerprints for
1674 a Federal Bureau of Investigation criminal records check.

1675 (b) The division shall adopt rules pertaining to pari-
1676 mutuel occupational licenses, licensing periods, and renewal
1677 cycles.

1678 (5) (a) The division may:

1679 1. Deny a license to or revoke, suspend, or place
1680 conditions upon or restrictions on a license of any person who
1681 has been refused a license by any other state racing commission
1682 or racing authority;

1683 2. Deny, suspend, or place conditions on a license of any
1684 person who is under suspension or has unpaid fines in another
1685 jurisdiction; if the state racing commission or racing authority
1686 of such other state or jurisdiction extends to the division
1687 reciprocal courtesy to maintain the disciplinary control.

1688 (b) The division may deny, suspend, revoke, or declare
1689 ineligible any occupational license if the applicant for or
1690 holder thereof has violated the provisions of this chapter or
1691 the rules of the division governing the conduct of persons
1692 connected with racetracks and frontons. In addition, the
1693 division may deny, suspend, revoke, or declare ineligible any



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1694 occupational license if the applicant for such license has been
1695 convicted in this state, in any other state, or under the laws
1696 of the United States of a capital felony, a felony, or an
1697 offense in any other state which would be a felony under the
1698 laws of this state involving arson; trafficking in, conspiracy
1699 to traffic in, smuggling, importing, conspiracy to smuggle or
1700 import, or delivery, sale, or distribution of a controlled
1701 substance; or a crime involving a lack of good moral character,
1702 or has had a pari-mutuel license revoked by this state or any
1703 other jurisdiction for an offense related to pari-mutuel
1704 wagering.

1705 (c) The division may deny, declare ineligible, or revoke
1706 any occupational license if the applicant for such license has
1707 been convicted of a felony or misdemeanor in this state, in any
1708 other state, or under the laws of the United States, if such
1709 felony or misdemeanor is related to gambling or bookmaking, as
1710 contemplated in s. 849.25, or involves cruelty to animals. If
1711 the applicant establishes that she or he is of good moral
1712 character, that she or he has been rehabilitated, and that the
1713 crime she or he was convicted of is not related to pari-mutuel
1714 wagering and is not a capital offense, the restrictions
1715 excluding offenders may be waived by the director of the
1716 division.

1717 (d) For purposes of this subsection, the term "convicted"
1718 means having been found guilty, with or without adjudication of
1719 guilt, as a result of a jury verdict, nonjury trial, or entry of
1720 a plea of guilty or nolo contendere. However, the term
1721 "conviction" shall not be applied to a crime committed prior to
1722 the effective date of this subsection in a manner that would



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1723 invalidate any occupational license issued prior to the
1724 effective date of this subsection or subsequent renewal for any
1725 person holding such a license.

1726 (e)~~(d)~~ If an occupational license will expire by division
1727 rule during the period of a suspension the division intends to
1728 impose, or if a license would have expired but for pending
1729 administrative charges and the occupational licensee is found to
1730 be in violation of any of the charges, the license may be
1731 revoked and a time period of license ineligibility may be
1732 declared. The division may bring administrative charges against
1733 any person not holding a current license for violations of
1734 statutes or rules which occurred while such person held an
1735 occupational license, and the division may declare such person
1736 ineligible to hold a license for a period of time. The division
1737 may impose a civil fine of up to \$1,000 for each violation of
1738 the rules of the division in addition to or in lieu of any other
1739 penalty provided for in this section. In addition to any other
1740 penalty provided by law, the division may exclude from all pari-
1741 mutuel facilities in this state, for a period not to exceed the
1742 period of suspension, revocation, or ineligibility, any person
1743 whose occupational license application has been denied by the
1744 division, who has been declared ineligible to hold an
1745 occupational license, or whose occupational license has been
1746 suspended or revoked by the division.

1747 (f)~~(e)~~ The division may cancel any occupational license
1748 that has been voluntarily relinquished by the licensee.

1749 (6) In order to promote the orderly presentation of pari-
1750 mutuel meets authorized in this chapter, the division may issue
1751 a temporary occupational license. The division shall adopt rules



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1752 to implement this subsection. However, no temporary occupational
1753 license shall be valid for more than 90 ~~30~~ days, and no more
1754 than one temporary license may be issued for any person in any
1755 year.

1756 (10) (a) Upon application for an occupational license, the
1757 division may require the applicant's full legal name; any
1758 nickname, alias, or maiden name for the applicant; name of the
1759 applicant's spouse; the applicant's date of birth, residence
1760 address, mailing address, residence address and business phone
1761 number, and social security number; disclosure of any felony or
1762 any conviction involving bookmaking, illegal gambling, or
1763 cruelty to animals; disclosure of any past or present
1764 enforcement or actions by any racing or gaming agency against
1765 the applicant; and any information the division determines is
1766 necessary to establish the identity of the applicant or to
1767 establish that the applicant is of good moral character.
1768 Fingerprints shall be taken in a manner approved by the division
1769 and then shall be submitted to the Federal Bureau of
1770 Investigation, or to the association of state officials
1771 regulating pari-mutuel wagering pursuant to the Federal Pari-
1772 mutuel Licensing Simplification Act of 1988. The cost of
1773 processing fingerprints shall be borne by the applicant and paid
1774 to the association of state officials regulating pari-mutuel
1775 wagering from the trust fund to which the processing fees are
1776 deposited. ~~The division shall require each applicant for an
1777 occupational license to have the applicant's signature witnessed
1778 and notarized or signed in the presence of a division official.~~
1779 The division, by rule, may require additional information from
1780 licensees which is reasonably necessary to regulate the



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1781 industry. The division may, by rule, exempt certain occupations
1782 or groups of persons from the fingerprinting requirements.

1783 (b) All fingerprints required by this section that are
1784 submitted to the Department of Law Enforcement shall be retained
1785 by the Department of Law Enforcement and entered into the
1786 statewide automated fingerprint identification system as
1787 authorized by s. 943.05(2) (b) and shall be available for all
1788 purposes and uses authorized for arrest fingerprint cards
1789 entered into the statewide automated fingerprint identification
1790 system pursuant to s. 943.051.

1791 (c) The Department of Law Enforcement shall search all
1792 arrest fingerprints received pursuant to s. 943.051 against the
1793 fingerprints retained in the statewide automated fingerprint
1794 identification system under paragraph (b). Any arrest record
1795 that is identified with the retained fingerprints of a person
1796 subject to the criminal history screening requirements of this
1797 section shall be reported to the division. Each licensee shall
1798 pay a fee to the division for the cost of retention of the
1799 fingerprints and the ongoing searches under this paragraph. The
1800 division shall forward the payment to the Department of Law
1801 Enforcement. The amount of the fee to be imposed for performing
1802 these searches and the procedures for the retention of licensee
1803 fingerprints shall be as established by rule of the Department
1804 of Law Enforcement. The division shall inform the Department of
1805 Law Enforcement of any change in the license status of licensees
1806 whose fingerprints are retained under paragraph (b).

1807 (d) The division shall request the Department of Law
1808 Enforcement to forward the fingerprints to the Federal Bureau of
1809 Investigation for a national criminal history records check at



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1810 least once every 5 years following issuance of a license. If the
1811 fingerprints of a person who is licensed have not been retained
1812 by the Department of Law Enforcement, the person must file a
1813 complete set of fingerprints as provided in paragraph (a). The
1814 division shall collect the fees for the cost of the national
1815 criminal history record check under this paragraph and forward
1816 the payment to the Department of Law Enforcement. The cost of
1817 processing fingerprints and conducting a criminal history record
1818 check under this paragraph for a general occupational license
1819 shall be borne by the applicant. The cost of processing
1820 fingerprints and conducting a criminal history record check
1821 under this paragraph for a business or professional occupational
1822 license shall be borne by the person being checked. The
1823 Department of Law Enforcement may invoice the division for the
1824 fingerprints submitted each month. Under penalty of perjury,
1825 each person who is licensed or who is fingerprinted as required
1826 by this section must agree to inform the division within 48
1827 hours if he or she is convicted of or has entered a plea of
1828 guilty or nolo contendere to any disqualifying offense,
1829 regardless of adjudication.

1830 Section 11. Subsection (6) of section 550.2415, Florida
1831 Statutes, is amended to read:

1832 550.2415 Racing of animals under certain conditions
1833 prohibited; penalties; exceptions.—

1834 (6) (a) It is the intent of the Legislature that animals
1835 that participate in races in this state on which pari-mutuel
1836 wagering is conducted and animals that are bred and trained in
1837 this state for racing be treated humanely, both on and off
1838 racetracks, throughout the lives of the animals.



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1839 (b) The division shall, by rule, establish the procedures
1840 for euthanizing greyhounds. However, a greyhound may not be put
1841 to death by any means other than by lethal injection of the drug
1842 sodium pentobarbital. A greyhound may not be removed from this
1843 state for the purpose of being destroyed.

1844 (c) It is a violation of this chapter for an occupational
1845 licensee to train a greyhound using live or dead animals. A
1846 greyhound may not be taken from this state for the purpose of
1847 being trained through the use of live or dead animals.

1848 (d) Any act committed by any licensee that would constitute
1849 A conviction of cruelty to animals as defined in s. 828.02
1850 pursuant to s. 828.12 involving any a racing animal constitutes
1851 a violation of this chapter. Imposition of any penalty by the
1852 division for violation of this chapter or any rule adopted by
1853 the division pursuant to this chapter shall not prohibit a
1854 criminal prosecution for cruelty to animals.

1855 (e) The division may inspect any area at a pari-mutuel
1856 facility where racing animals are raced, trained, housed, or
1857 maintained, including any areas where food, medications, or
1858 other supplies are kept, to ensure the humane treatment of
1859 racing animals and compliance with this chapter and the rules of
1860 the division.

1861 Section 12. Subsection (5) is added to section 550.26165,
1862 Florida Statutes, to read:

1863 550.26165 Breeders' awards.-

1864 (5) (a) The awards programs in this chapter, which are
1865 intended to encourage thoroughbred breeding and training
1866 operations to locate in this state, must be responsive to
1867 rapidly changing incentive programs in other states. To attract



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1868 such operations, it is appropriate to provide greater
1869 flexibility to thoroughbred industry participants in this state
1870 so that they may design competitive awards programs.

1871 (b) Notwithstanding any other provision of law to the
1872 contrary, the Florida Thoroughbred Breeders' Association, as
1873 part of its annual plan, may:

1874 1. Pay breeders' awards on horses finishing in first,
1875 second, or third place in thoroughbred horse races; pay
1876 breeders' awards that are greater than 20 percent and less than
1877 15 percent of the announced gross purse; and vary the rates for
1878 breeders' awards, based upon the place of finish, class of race,
1879 state or country in which the race took place, and the state in
1880 which the stallion siring the horse was standing when the horse
1881 was conceived;

1882 2. Pay stallion awards on horses finishing in first,
1883 second, or third place in thoroughbred horse races; pay stallion
1884 awards that are greater than 20 percent and less than 15 percent
1885 of the announced gross purse; reduce or eliminate stallion
1886 awards to enhance breeders' awards or awards under subparagraph
1887 3; and vary the rates for stallion awards, based upon the place
1888 of finish, class of race, and state or country in which the race
1889 took place; and

1890 3. Pay awards from the funds dedicated for breeders' awards
1891 and stallion awards to owners of registered Florida-bred horses
1892 finishing in first, second, or third place in thoroughbred horse
1893 races in this state, without regard to any awards paid pursuant
1894 to s. 550.2625(6).

1895 (c) Breeders' awards or stallion awards under this chapter
1896 may not be paid on thoroughbred horse races taking place in



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1897 other states or countries unless agreed to in writing by all
1898 thoroughbred permitholders in this state, the Florida
1899 Thoroughbred Breeders' Association, and the Florida Horsemen's
1900 Benevolent and Protective Association, Inc.

1901 Section 13. Paragraph (e) is added to subsection (6) of
1902 section 550.2625, Florida Statutes, to read:

1903 550.2625 Horseracing; minimum purse requirement, Florida
1904 breeders' and owners' awards.—

1905 (6)

1906 (e) This subsection governs owners' awards paid on
1907 thoroughbred horse races only in this state, unless a written
1908 agreement is filed with the division establishing the rate,
1909 procedures, and eligibility requirements for owners' awards,
1910 including place of finish, class of race, maximum purse, and
1911 maximum award, and the agreement is entered into by the
1912 permitholder, the Florida Thoroughbred Breeders' Association,
1913 and the association representing a majority of the racehorse
1914 owners and trainers at the permitholder's location.

1915 Section 14. Section 550.334, Florida Statutes, is amended
1916 to read:

1917 550.334 Quarter horse racing; substitutions.—

1918 ~~(1) Subject to all the applicable provisions of this~~
1919 ~~chapter, any person who possesses the qualifications prescribed~~
1920 ~~in this chapter may apply to the division for a permit to~~
1921 ~~conduct quarter horse race meetings and racing under this~~
1922 ~~chapter. The applicant must demonstrate that the location or~~
1923 ~~locations where the permit will be used are available for such~~
1924 ~~use and that she or he has the financial ability to satisfy the~~
1925 ~~reasonably anticipated operational expenses of the first racing~~



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1926 ~~year following final issuance of the permit. If the racing~~
1927 ~~facility is already built, the application must contain a~~
1928 ~~statement, with reasonable supporting evidence, that the permit~~
1929 ~~will be used for quarter horse racing within 1 year after the~~
1930 ~~date on which it is granted; if the facility is not already~~
1931 ~~built, the application must contain a statement, with reasonable~~
1932 ~~supporting evidence, that substantial construction will be~~
1933 ~~started within 1 year after the issuance of the permit. After~~
1934 ~~receipt of an application, the division shall convene to~~
1935 ~~consider and act upon permits applied for. The division shall~~
1936 ~~disapprove an application if it fails to meet the requirements~~
1937 ~~of this chapter. Upon each application filed and approved, a~~
1938 ~~permit shall be issued setting forth the name of the applicant~~
1939 ~~and a statement showing qualifications of the applicant to~~
1940 ~~conduct racing under this chapter. If a favorable referendum on~~
1941 ~~a pari-mutuel facility has not been held previously within the~~
1942 ~~county, then, before a quarter horse permit may be issued by the~~
1943 ~~division, a referendum ratified by a majority of the electors in~~
1944 ~~the county is required on the question of allowing quarter horse~~
1945 ~~races within that county.~~

1946 ~~(2) After a quarter horse racing permit has been granted by~~
1947 ~~the division, the department shall grant to the lawful holder of~~
1948 ~~such permit, subject to the conditions of this section, a~~
1949 ~~license to conduct quarter horse racing under this chapter; and~~
1950 ~~the division shall fix annually the time when, place where, and~~
1951 ~~number of days upon which racing may be conducted by such~~
1952 ~~quarter horse racing permitholder. After the first license has~~
1953 ~~been issued to the holder of a permit for quarter horse racing,~~
1954 ~~all subsequent annual applications for a license by a~~



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1955 ~~permitholder must be accompanied by proof, in such form as the~~
1956 ~~division requires, that the permitholder still possesses all the~~
1957 ~~qualifications prescribed by this chapter. The division may~~
1958 ~~revoke any permit or license issued under this section upon the~~
1959 ~~willful violation by the licensee of any provision of this~~
1960 ~~chapter or any rule adopted by the division under this chapter.~~
1961 ~~The division shall revoke any quarter horse permit under which~~
1962 ~~no live racing has ever been conducted before July 7, 1990, for~~
1963 ~~failure to conduct a horse meet pursuant to the license issued~~
1964 ~~where a full schedule of horseracing has not been conducted for~~
1965 ~~a period of 18 months commencing on October 1, 1990, unless the~~
1966 ~~permitholder has commenced construction on a facility at which a~~
1967 ~~full schedule of live racing could be conducted as approved by~~
1968 ~~the division. "Commenced construction" means initiation of and~~
1969 ~~continuous activities beyond site preparation associated with~~
1970 ~~erecting or modifying a horseracing facility, including~~
1971 ~~procurement of a building permit applying the use of approved~~
1972 ~~construction documents, proof of an executed owner/contractor~~
1973 ~~agreement or an irrevocable or binding forced account, and~~
1974 ~~actual undertaking of foundation forming with steel installation~~
1975 ~~and concrete placing. The 18-month period shall be extended by~~
1976 ~~the division, to the extent that the applicant demonstrates to~~
1977 ~~the satisfaction of the division that good faith commencement of~~
1978 ~~the construction of the facility is being delayed by litigation~~
1979 ~~or by governmental action or inaction with respect to~~
1980 ~~regulations or permitting precluding commencement of the~~
1981 ~~construction of the facility.~~

1982 (1)~~(3)~~ The operator of any licensed racetrack is authorized
1983 to lease such track to any quarter horse racing permitholder



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1984 located within 35 miles of such track for the conduct of quarter
1985 horse racing under this chapter. However, a quarter horse
1986 facility located in a county where a referendum to authorize
1987 slot machines pursuant to s. 23, Art. X of the State
1988 Constitution is not subject to the mileage restriction if they
1989 lease from a licensed racetrack located within a county where a
1990 referendum was conducted to authorize slot machines pursuant to
1991 s. 23, Art. X of the State Constitution.

1992 ~~(2)(4)~~ Section 550.054 is inapplicable to quarter horse
1993 racing as permitted under this section. All other provisions of
1994 this chapter, including s. 550.054, apply to, govern, and
1995 control such racing, and the same must be conducted in
1996 compliance therewith.

1997 ~~(3)(5)~~ Quarter horses participating in such races must be
1998 duly registered by the American Quarter Horse Association, and
1999 before each race such horses must be examined and declared in
2000 fit condition by a qualified person designated by the division.

2001 ~~(4)(6)~~ Any quarter horse racing days permitted under this
2002 chapter are in addition to any other racing permitted under the
2003 license issued the track where such quarter horse racing is
2004 conducted.

2005 ~~(5)(7)(a)~~ Any quarter horse racing permitholder operating
2006 under a valid permit issued by the division is authorized to
2007 substitute races of other breeds of horses, ~~except~~
2008 ~~thoroughbreds~~, which are, respectively, registered with the
2009 American Paint Horse Association, Appaloosa Horse Club, Arabian
2010 Horse Registry of America, Palomino Horse Breeders of America,
2011 ~~or~~ United States Trotting Association, Florida Cracker Horse
2012 Association, or for no more than 50 percent of the quarter horse



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2013 ~~rac~~es daily, and may substitute races of thoroughbreds
2014 ~~registered with the~~ Jockey Club for no more than 50 percent of
2015 the quarter horse races during its meet daily with the written
2016 consent of all greyhound, harness, and thoroughbred
2017 permitholders whose pari-mutuel facilities are located within 50
2018 air miles of such quarter horse racing permitholder's pari-
2019 mutuel facility.

2020 ~~(b) Any permittee operating within an area of 50 air miles~~
2021 ~~of a licensed thoroughbred track may not substitute thoroughbred~~
2022 ~~rac~~es under this section while a thoroughbred horse race meet is
2023 in progress within that 50 miles. Any permittee operating within
2024 an area of 125 air miles of a licensed thoroughbred track may
2025 not substitute live thoroughbred races under this section while
2026 a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)
2027 is conducting a thoroughbred meet within that 125 miles. These
2028 mileage restrictions do not apply to any permittee that holds a
2029 nonwagering permit issued pursuant to s. 550.505.

2030 ~~(6)-(8)~~ Except as provided in s. 550.3345, a quarter horse
2031 permit issued pursuant to this section is not eligible for
2032 transfer or conversion to another type of pari-mutuel operation.

2033 ~~(7)-(9)~~ Any nonprofit corporation, including, but not
2034 limited to, an agricultural cooperative marketing association,
2035 organized and incorporated under the laws of this state may
2036 apply for a quarter horse racing permit and operate racing meets
2037 under such permit, provided all pari-mutuel taxes and fees
2038 applicable to such racing are paid by the corporation. However,
2039 insofar as its pari-mutuel operations are concerned, the
2040 corporation shall be considered to be a corporation for profit
2041 and is subject to taxation on all property used and profits



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2042 earned in connection with its pari-mutuel operations.

2043 (8) To be eligible to conduct intertrack wagering, a
2044 quarter horse racing permitholder must have conducted a full
2045 schedule of live racing in the preceding year.

2046 ~~(10) Intertrack wagering shall not be authorized for any~~
2047 ~~quarter horse permitholder without the written consent of all~~
2048 ~~greyhound, harness, and thoroughbred permitholders whose pari-~~
2049 ~~mutuel facilities are located within 50 air miles of such~~
2050 ~~quarter horse permitholder's pari-mutuel facility.~~

2051 Section 15. Section 550.3345, Florida Statutes, is created
2052 to read:

2053 550.3345 Conversion of quarter horse permit to a limited
2054 thoroughbred permit.-

2055 (1) In recognition of the important and long-standing
2056 economic contribution of the thoroughbred horse breeding
2057 industry to this state and the state's vested interest in
2058 promoting the continued viability of this agricultural activity,
2059 the state intends to provide a limited opportunity for the
2060 conduct of live thoroughbred horse racing with the net revenues
2061 from such racing dedicated to the enhancement of thoroughbred
2062 purses and breeders', stallion, and special racing awards under
2063 this chapter; the general promotion of the thoroughbred horse
2064 breeding industry; and the care in this state of thoroughbred
2065 horses retired from racing.

2066 (2) Notwithstanding any other provision of law, the holder
2067 of a quarter horse racing permit issued under s. 550.334 may,
2068 within 1 year after the effective date of this section, apply to
2069 the division for a transfer of the quarter horse racing permit
2070 to a not-for-profit corporation formed under state law to serve



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2071 the purposes of the state as provided in subsection (1). The
2072 board of directors of the not-for-profit corporation must be
2073 comprised of 11 members, 4 of whom shall be designated by the
2074 applicant, 4 of whom shall be designated by the Florida
2075 Thoroughbred Breeders' Association, and 3 of whom shall be
2076 designated by the other 8 directors, with at least 1 of these 3
2077 members being an authorized representative of another
2078 thoroughbred permitholder in this state. The not-for-profit
2079 corporation shall submit an application to the division for
2080 review and approval of the transfer in accordance with s.
2081 550.054. Upon approval of the transfer by the division, and
2082 notwithstanding any other provision of law to the contrary, the
2083 not-for-profit corporation may, within 1 year after its receipt
2084 of the permit, request that the division convert the quarter
2085 horse racing permit to a permit authorizing the holder to
2086 conduct pari-mutuel wagering meets of thoroughbred racing.
2087 Neither the transfer of the quarter horse racing permit nor its
2088 conversion to a limited thoroughbred permit shall be subject to
2089 the mileage limitation or the ratification election as set forth
2090 under s. 550.054(2) or s. 550.0651. Upon receipt of the request
2091 for such conversion, the division shall timely issue a converted
2092 permit. The converted permit and the not-for-profit corporation
2093 shall be subject to the following requirements:

2094 (a) All net revenues derived by the not-for-profit
2095 corporation under the thoroughbred horse racing permit, after
2096 the funding of operating expenses and capital improvements,
2097 shall be dedicated to the enhancement of thoroughbred purses and
2098 breeders', stallion, and special racing awards under this
2099 chapter; the general promotion of the thoroughbred horse



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2100 breeding industry; and the care in this state of thoroughbred
2101 horses retired from racing.

2102 (b) From December 1 through April 30, no live thoroughbred
2103 racing may be conducted under the permit on any day during which
2104 another thoroughbred permitholder is conducting live
2105 thoroughbred racing within 125 air miles of the not-for-profit
2106 corporation's pari-mutuel facility unless the other thoroughbred
2107 permitholder gives its written consent.

2108 (c) After the conversion of the quarter horse racing permit
2109 and the issuance of its initial license to conduct pari-mutuel
2110 wagering meets of thoroughbred racing, the not-for-profit
2111 corporation shall annually apply to the division for a license
2112 pursuant to s. 550.5251(2)-(5).

2113 (d) Racing under the permit may take place only at the
2114 location for which the original quarter horse racing permit was
2115 issued, which may be leased by the not-for-profit corporation
2116 for that purpose; however, the not-for-profit corporation may,
2117 without the conduct of any ratification election pursuant to s.
2118 550.054(13) or s. 550.0651, move the location of the permit to
2119 another location in the same county provided that such
2120 relocation is approved under the zoning and land use regulations
2121 of the applicable county or municipality.

2122 (e) No permit converted under this section is eligible for
2123 transfer to another person or entity.

2124 (3) Unless otherwise provided in this section, after
2125 conversion, the permit and the not-for-profit corporation shall
2126 be treated under the laws of this state as a thoroughbred permit
2127 and as a thoroughbred permitholder, respectively, with the
2128 exception of s. 550.09515(3).



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2129 Section 16. Section 550.3355, Florida Statutes, is amended
2130 to read:

2131 550.3355 Harness track licenses for summer quarter horse
2132 racing.—Any harness track licensed to operate under the
2133 provisions of s. 550.375 may make application for, and shall be
2134 issued by the division, a license to operate not more than 50
2135 quarter horse racing days during the summer season, which shall
2136 extend from July ~~June~~ 1 until October ~~September~~ 1 of each year.
2137 However, this license to operate quarter horse racing for 50
2138 days is in addition to the racing days and dates provided in s.
2139 550.375 for harness racing during the winter seasons; and, it
2140 does not affect the right of such licensee to operate harness
2141 racing at the track as provided in s. 550.375 during the winter
2142 season. All provisions of this chapter governing quarter horse
2143 racing not in conflict herewith apply to the operation of
2144 quarter horse meetings authorized hereunder, except that all
2145 quarter horse racing permitted hereunder shall be conducted at
2146 night.

2147 Section 17. Section 550.3605, Florida Statutes, is
2148 repealed.

2149 Section 18. Section 550.5251, Florida Statutes, is amended
2150 to read:

2151 550.5251 Florida thoroughbred racing; certain permits;
2152 operating days.—

2153 ~~(1) Each thoroughbred permitholder under whose permit~~
2154 ~~thoroughbred racing was conducted in this state at any time~~
2155 ~~between January 1, 1987, and January 1, 1988, shall annually be~~
2156 ~~entitled to apply for and annually receive thoroughbred racing~~
2157 ~~days and dates as set forth in this section. As regards such~~



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2158 ~~permitholders, the annual thoroughbred racing season shall be~~
2159 ~~from June 1 of any year through May 31 of the following year and~~
2160 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

2161 ~~(1)(2)~~ Each thoroughbred permitholder referred to in
2162 ~~subsection (1)~~ shall annually, during the period commencing
2163 December 15 of each year and ending January 4 of the following
2164 year, file in writing with the division its application to
2165 conduct one or more thoroughbred racing meetings during the
2166 thoroughbred racing season commencing on the following July ~~June~~
2167 1. Each application shall specify the number and dates of all
2168 performances that the permitholder intends to conduct during
2169 that thoroughbred racing season. On or before March ~~February~~ 15
2170 of each year, the division shall issue a license authorizing
2171 each permitholder to conduct performances on the dates specified
2172 in its application. Up to February 28 ~~March 31~~ of each year,
2173 each permitholder may request and shall be granted changes in
2174 its authorized performances; but thereafter, as a condition
2175 precedent to the validity of its license and its right to retain
2176 its permit, each permitholder must operate the full number of
2177 days authorized on each of the dates set forth in its license.

2178 ~~(3) Each thoroughbred permit referred to in subsection (1),~~
2179 ~~including, but not limited to, any permit originally issued as a~~
2180 ~~summer thoroughbred horse racing permit, is hereby validated and~~
2181 ~~shall continue in full force and effect.~~

2182 ~~(2)(4)~~ A thoroughbred racing permitholder may not begin any
2183 race later than 7 p.m. Any thoroughbred permitholder in a county
2184 in which the authority for cardrooms has been approved by the
2185 board of county commissioners may operate a cardroom and, when
2186 conducting live races during its current race meet, may receive



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2187 and rebroadcast out-of-state races after the hour of 7 p.m. on
2188 any day during which the permitholder conducts live races.

2189 (3)~~(5)~~(a) Each licensed thoroughbred permitholder in this
2190 state must run an average of one race per racing day in which
2191 horses bred in this state and duly registered with the Florida
2192 Thoroughbred Breeders' Association have preference as entries
2193 over non-Florida-bred horses, unless otherwise agreed to in
2194 writing by the permitholder, the Florida Thoroughbred Breeders'
2195 Association, and the association representing a majority of the
2196 thoroughbred racehorse owners and trainers at that location. All
2197 licensed thoroughbred racetracks shall write the conditions for
2198 such races in which Florida-bred horses are preferred so as to
2199 assure that all Florida-bred horses available for racing at such
2200 tracks are given full opportunity to run in the class of races
2201 for which they are qualified. The opportunity of running must be
2202 afforded to each class of horses in the proportion that the
2203 number of horses in this class bears to the total number of
2204 Florida-bred horses available. A track is not required to write
2205 conditions for a race to accommodate a class of horses for which
2206 a race would otherwise not be run at the track during its meet
2207 meeting.

2208 (b) Each licensed thoroughbred permitholder in this state
2209 may run one additional race per racing day composed exclusively
2210 of Arabian horses registered with the Arabian Horse Registry of
2211 America. Any licensed thoroughbred permitholder that elects to
2212 run one additional race per racing day composed exclusively of
2213 Arabian horses registered with the Arabian Horse Registry of
2214 America is not required to provide stables for the Arabian
2215 horses racing under this paragraph.



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2216 (c) Each licensed thoroughbred permitholder in this state
2217 may run up to three additional races per racing day composed
2218 exclusively of quarter horses registered with the American
2219 Quarter Horse Association.

2220 ~~(6) Notwithstanding the provisions of subsection (2), a~~
2221 ~~thoroughbred permitholder who fails to operate all performances~~
2222 ~~on its 2001-2002 license does not lose its right to retain its~~
2223 ~~permit. Such thoroughbred permitholder is eligible for issuance~~
2224 ~~of an annual license pursuant to s. 550.0115 for subsequent~~
2225 ~~thoroughbred racing seasons. The division shall take no~~
2226 ~~disciplinary action against such thoroughbred permitholder for~~
2227 ~~failure to operate all licensed performances for the 2001-2002~~
2228 ~~license pursuant to this section or s. 550.01215. This section~~
2229 ~~may not be interpreted to prohibit the division from taking~~
2230 ~~disciplinary action against a thoroughbred permitholder for~~
2231 ~~failure to pay taxes on performances operated pursuant to its~~
2232 ~~2001-2002 license. This subsection expires July 1, 2003.~~

2233 ~~(7) A thoroughbred permitholder shall file an amendment~~
2234 ~~with the division no later than July 1, 2002, that indicates~~
2235 ~~that it will not be able to operate the performances scheduled~~
2236 ~~on its 2002-2003 license without imposition of any penalty for~~
2237 ~~failure to operate all licensed performances provided in this~~
2238 ~~chapter. This subsection expires July 1, 2003.~~

2239 Section 19. Subsections (4) and (7) of section 551.102,
2240 Florida Statutes, are amended to read:

2241 551.102 Definitions.—As used in this chapter, the term:

2242 (4) "Eligible facility" means any licensed pari-mutuel
2243 facility located in Miami-Dade County or Broward County existing
2244 at the time of adoption of s. 23, Art. X of the State



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2245 Constitution that has conducted live racing or games during
2246 calendar years 2002 and 2003 and has been approved by a majority
2247 of voters in a countywide referendum to have slot machines at
2248 such facility in the respective county; any licensed pari-mutuel
2249 facility located within a county as defined in s. 125.011,
2250 provided such facility has conducted live racing for 2
2251 consecutive calendar years immediately preceding its application
2252 for a slot machine license, pays the required license fee, and
2253 meets the other requirements of this chapter; or any licensed
2254 pari-mutuel facility in any other county in which a majority of
2255 voters have approved slot machines at such facilities in a
2256 countywide referendum held pursuant to a statutory or
2257 constitutional authorization after the effective date of this
2258 section in the respective county, provided such facility has
2259 conducted a full schedule of live racing for 2 consecutive
2260 calendar years immediately preceding its application for a slot
2261 machine license, pays the required licensed fee, and meets the
2262 other requirements of this chapter.

2263 (7) "Progressive system" means a computerized system
2264 linking slot machines in one or more licensed facilities within
2265 this state or other jurisdictions and offering one or more
2266 common progressive payouts based on the amounts wagered.

2267 Section 20. Paragraph (j) of subsection (4) and paragraph
2268 (a) of subsection (10) of section 551.104, Florida Statutes, are
2269 amended to read:

2270 551.104 License to conduct slot machine gaming.—

2271 (4) As a condition of licensure and to maintain continued
2272 authority for the conduct of slot machine gaming, the slot
2273 machine licensee shall:



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2274 (j) Ensure that the payout percentage of a slot machine
2275 gaming facility is at least ~~no less than~~ 85 percent.

2276 (10) (a) 1. No slot machine license or renewal thereof shall
2277 be issued to an applicant holding a permit under chapter 550 to
2278 conduct pari-mutuel wagering meets of thoroughbred racing unless
2279 the applicant has on file with the division a binding written
2280 agreement between the applicant and the Florida Horsemen's
2281 Benevolent and Protective Association, Inc., governing the
2282 payment of purses on live thoroughbred races conducted at the
2283 licensee's pari-mutuel facility. In addition, no slot machine
2284 license or renewal thereof shall be issued to such an applicant
2285 unless the applicant has on file with the division a binding
2286 written agreement between the applicant and the Florida
2287 Thoroughbred Breeders' Association, Inc., governing the payment
2288 of breeders', stallion, and special racing awards on live
2289 thoroughbred races conducted at the licensee's pari-mutuel
2290 facility. The agreement governing purses and the agreement
2291 governing awards may direct the payment of such purses and
2292 awards from revenues generated by any wagering or gaming the
2293 applicant is authorized to conduct under Florida law. All purses
2294 and awards shall be subject to the terms of chapter 550. All
2295 sums for breeders', stallion, and special racing awards shall be
2296 remitted monthly to the Florida Thoroughbred Breeders'
2297 Association, Inc., for the payment of awards subject to the
2298 administrative fee authorized in s. 550.2625(3).

2299 2. No slot machine license or renewal thereof shall be
2300 issued to an applicant holding a permit under chapter 550 to
2301 conduct pari-mutuel wagering meets of quarter horse racing
2302 unless the applicant has on file with the division a binding



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2303 written agreement between the applicant and the Florida Quarter
2304 Horse Racing Association or the association representing a
2305 majority of the horse owners and trainers at the applicants
2306 eligible facility, governing the payment of purses on live
2307 quarter horse races conducted at the licensee's pari-mutuel
2308 facility. The agreement governing purses may direct the payment
2309 of such purses from revenues generated by any wagering or gaming
2310 the applicant is authorized to conduct under Florida law. All
2311 purses shall be subject to the terms of chapter 550.

2312 (b) The division shall suspend a slot machine license if
2313 one or more of the agreements required under paragraph (a) are
2314 terminated or otherwise cease to operate or if the division
2315 determines that the licensee is materially failing to comply
2316 with the terms of such an agreement. Any such suspension shall
2317 take place in accordance with chapter 120.

2318 (c)1. If an agreement required under paragraph (a) cannot
2319 be reached prior to the initial issuance of the slot machine
2320 license, either party may request arbitration or, in the case of
2321 a renewal, if an agreement required under paragraph (a) is not
2322 in place 120 days prior to the scheduled expiration date of the
2323 slot machine license, the applicant shall immediately ask the
2324 American Arbitration Association to furnish a list of 11
2325 arbitrators, each of whom shall have at least 5 years of
2326 commercial arbitration experience and no financial interest in
2327 or prior relationship with any of the parties or their
2328 affiliated or related entities or principals. Each required
2329 party to the agreement shall select a single arbitrator from the
2330 list provided by the American Arbitration Association within 10
2331 days of receipt, and the individuals so selected shall choose



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2332 one additional arbitrator from the list within the next 10 days.

2333 2. If an agreement required under paragraph (a) is not in
2334 place 60 days after the request under subparagraph 1. in the
2335 case of an initial slot machine license or, in the case of a
2336 renewal, 60 days prior to the scheduled expiration date of the
2337 slot machine license, the matter shall be immediately submitted
2338 to mandatory binding arbitration to resolve the disagreement
2339 between the parties. The three arbitrators selected pursuant to
2340 subparagraph 1. shall constitute the panel that shall arbitrate
2341 the dispute between the parties pursuant to the American
2342 Arbitration Association Commercial Arbitration Rules and chapter
2343 682.

2344 3. At the conclusion of the proceedings, which shall be no
2345 later than 90 days after the request under subparagraph 1. in
2346 the case of an initial slot machine license or, in the case of a
2347 renewal, 30 days prior to the scheduled expiration date of the
2348 slot machine license, the arbitration panel shall present to the
2349 parties a proposed agreement that the majority of the panel
2350 believes equitably balances the rights, interests, obligations,
2351 and reasonable expectations of the parties. The parties shall
2352 immediately enter into such agreement, which shall satisfy the
2353 requirements of paragraph (a) and permit issuance of the pending
2354 annual slot machine license or renewal. The agreement produced
2355 by the arbitration panel under this subparagraph shall be
2356 effective until the last day of the license or renewal period or
2357 until the parties enter into a different agreement. Each party
2358 shall pay its respective costs of arbitration and shall pay one-
2359 half of the costs of the arbitration panel, unless the parties
2360 otherwise agree. If the agreement produced by the arbitration



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2361 panel under this subparagraph remains in place 120 days prior to
2362 the scheduled issuance of the next annual license renewal, then
2363 the arbitration process established in this paragraph will begin
2364 again.

2365 4. In the event that neither of the agreements required
2366 under subparagraph (a)1. or the agreement required under
2367 subparagraph (a)2. paragraph (a) are in place by the deadlines
2368 established in this paragraph, arbitration regarding each
2369 agreement will proceed independently, with separate lists of
2370 arbitrators, arbitration panels, arbitration proceedings, and
2371 resulting agreements.

2372 5. With respect to the agreements ~~agreement~~ required under
2373 paragraph (a) governing the payment of purses, the arbitration
2374 and resulting agreement called for under this paragraph shall be
2375 limited to the payment of purses from slot machine revenues
2376 only.

2377 (d) If any provision of this subsection or its application
2378 to any person or circumstance is held invalid, the invalidity
2379 does not affect other provisions or applications of this
2380 subsection or chapter which can be given effect without the
2381 invalid provision or application, and to this end the provisions
2382 of this subsection are severable.

2383 Section 21. Paragraph (a) of subsection (1), paragraph (a)
2384 of subsection (2), and subsection (3) of section 551.106,
2385 Florida Statutes, are amended to read:

2386 551.106 License fee; tax rate; penalties.—

2387 (1) LICENSE FEE.—

2388 (a) Upon submission of the initial application for a slot
2389 machine license and annually thereafter, on the anniversary date



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2390 of the issuance of the initial license, the licensee must pay to
2391 the division a nonrefundable license fee of \$3 million for the
2392 succeeding 12 months of licensure. In the 2010-2011 fiscal year,
2393 the licensee must pay the division a nonrefundable license fee
2394 of \$2.5 million for the succeeding 12 months of licensure. In
2395 the 2011-2012 fiscal year and for every fiscal year thereafter,
2396 the licensee must pay the division a nonrefundable license fee
2397 of \$2 million for the succeeding 12 months of licensure. The
2398 license fee shall be deposited into the Pari-mutuel Wagering
2399 Trust Fund of the Department of Business and Professional
2400 Regulation to be used by the division and the Department of Law
2401 Enforcement for investigations, regulation of slot machine
2402 gaming, and enforcement of slot machine gaming provisions under
2403 this chapter. These payments shall be accounted for separately
2404 from taxes or fees paid pursuant to the provisions of chapter
2405 550.

2406 (2) TAX ON SLOT MACHINE REVENUES.—

2407 (a) The tax rate on slot machine revenues at each facility
2408 shall be 35 ~~50~~ percent. If, during any state fiscal year, the
2409 aggregate amount of tax paid to the state by all slot machine
2410 licensees in Broward and Miami-Dade Counties is less than the
2411 aggregate amount of tax paid to the state by all slot machine
2412 licensees in the 2008-2009 fiscal year, each slot machine
2413 licensee shall pay to the state within 45 days after the end of
2414 the state fiscal year a surcharge equal to its pro rata share of
2415 an amount equal to the difference between the aggregate amount
2416 of tax paid to the state by all slot machine licensees in the
2417 2008-2009 fiscal year and the amount of tax paid during the
2418 fiscal year. Each licensee's pro rata share shall be an amount



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2419 determined by dividing the number 1 by the number of facilities
2420 licensed to operate slot machines during the applicable fiscal
2421 year, regardless of whether the facility is operating such
2422 machines.

2423 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
2424 on slot machine revenues imposed by this section shall be paid
2425 to the division. The division shall deposit these sums with the
2426 Chief Financial Officer, to the credit of the Pari-mutuel
2427 Wagering Trust Fund. The slot machine licensee shall remit to
2428 the division payment for the tax on slot machine revenues. Such
2429 payments shall be remitted by 3 p.m. Wednesday of each week for
2430 taxes imposed and collected for the preceding week ending on
2431 Sunday. Beginning on July 1, 2012, the slot machine licensee
2432 shall remit to the division payment for the tax on slot machine
2433 revenues by 3 p.m. on the 5th day of each calendar month for
2434 taxes imposed and collected for the preceding calendar month. If
2435 the 5th day of the calendar month falls on a weekend, payments
2436 shall be remitted by 3 p.m. the first Monday following the
2437 weekend. The slot machine licensee shall file a report under
2438 oath by the 5th day of each calendar month for all taxes
2439 remitted during the preceding calendar month. Such payments
2440 shall be accompanied by a report under oath showing all slot
2441 machine gaming activities for the preceding calendar month and
2442 such other information as may be prescribed by the division.

2443 Section 22. Subsection (5) of section 551.121, Florida
2444 Statutes, is amended to read:

2445 551.121 Prohibited activities and devices; exceptions.—

2446 (5) A slot machine, or the computer operating system
2447 linking the slot machine, may be linked by any means to any



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2448 other slot machine or computer operating system within the
2449 facility of a slot machine licensee. A progressive system may
2450 ~~not~~ be used in conjunction with slot machines between licensed
2451 facilities in Florida or in other jurisdictions.

2452 Section 23. Paragraph (a) of subsection (1) and paragraph
2453 (a) of subsection (2) and of section 772.102, Florida Statutes,
2454 are amended to read:

2455 772.102 Definitions.—As used in this chapter, the term:

2456 (1) "Criminal activity" means to commit, to attempt to
2457 commit, to conspire to commit, or to solicit, coerce, or
2458 intimidate another person to commit:

2459 (a) Any crime that is chargeable by indictment or
2460 information under the following provisions:

2461 1. Section 210.18, relating to evasion of payment of
2462 cigarette taxes.

2463 2. Section 414.39, relating to public assistance fraud.

2464 3. Section 440.105 or s. 440.106, relating to workers'
2465 compensation.

2466 4. Part IV of chapter 501, relating to telemarketing.

2467 5. Chapter 517, relating to securities transactions.

2468 6. Section 550.235 or, s. 550.3551, ~~or s. 550.3605~~,
2469 relating to dogracing and horseracing.

2470 7. Chapter 550, relating to jai alai frontons.

2471 8. Chapter 552, relating to the manufacture, distribution,
2472 and use of explosives.

2473 9. Chapter 562, relating to beverage law enforcement.

2474 10. Section 624.401, relating to transacting insurance
2475 without a certificate of authority, s. 624.437(4)(c)1., relating
2476 to operating an unauthorized multiple-employer welfare



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2477 arrangement, or s. 626.902(1)(b), relating to representing or
2478 aiding an unauthorized insurer.

2479 11. Chapter 687, relating to interest and usurious
2480 practices.

2481 12. Section 721.08, s. 721.09, or s. 721.13, relating to
2482 real estate timeshare plans.

2483 13. Chapter 782, relating to homicide.

2484 14. Chapter 784, relating to assault and battery.

2485 15. Chapter 787, relating to kidnapping or human
2486 trafficking.

2487 16. Chapter 790, relating to weapons and firearms.

2488 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s.
2489 796.07, relating to prostitution.

2490 18. Chapter 806, relating to arson.

2491 19. Section 810.02(2)(c), relating to specified burglary of
2492 a dwelling or structure.

2493 20. Chapter 812, relating to theft, robbery, and related
2494 crimes.

2495 21. Chapter 815, relating to computer-related crimes.

2496 22. Chapter 817, relating to fraudulent practices, false
2497 pretenses, fraud generally, and credit card crimes.

2498 23. Section 827.071, relating to commercial sexual
2499 exploitation of children.

2500 24. Chapter 831, relating to forgery and counterfeiting.

2501 25. Chapter 832, relating to issuance of worthless checks
2502 and drafts.

2503 26. Section 836.05, relating to extortion.

2504 27. Chapter 837, relating to perjury.

2505 28. Chapter 838, relating to bribery and misuse of public



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2506 office.

2507 29. Chapter 843, relating to obstruction of justice.

2508 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

2509 s. 847.07, relating to obscene literature and profanity.

2510 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.

2511 849.25, relating to gambling.

2512 32. Chapter 893, relating to drug abuse prevention and

2513 control.

2514 33. Section 914.22 or s. 914.23, relating to witnesses,

2515 victims, or informants.

2516 34. Section 918.12 or s. 918.13, relating to tampering with

2517 jurors and evidence.

2518 (2) "Unlawful debt" means any money or other thing of value

2519 constituting principal or interest of a debt that is legally

2520 unenforceable in this state in whole or in part because the debt

2521 was incurred or contracted:

2522 (a) In violation of any one of the following provisions of

2523 law:

2524 1. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~

2525 relating to dogracing and horseracing.

2526 2. Chapter 550, relating to jai alai frontons.

2527 3. Section 687.071, relating to criminal usury, loan

2528 sharking, and shylocking.

2529 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.

2530 849.25, relating to gambling.

2531 Section 24. Paragraphs (a) and (b) of subsection (5),

2532 subsection (6), paragraphs (a) and (b) of subsection (7),

2533 subsection (8), and paragraph (d) of subsection (13) of section

2534 849.086, Florida Statutes, are amended to read:



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2535 849.086 Cardrooms authorized.—

2536 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
2537 operate a cardroom in this state unless such person holds a
2538 valid cardroom license issued pursuant to this section.

2539 (a) Only those persons holding a valid cardroom license
2540 issued by the division may operate a cardroom. A cardroom
2541 license may only be issued to a licensed pari-mutuel
2542 permitholder and an authorized cardroom may only be operated at
2543 the same facility at which the permitholder is authorized under
2544 its valid pari-mutuel wagering permit to conduct pari-mutuel
2545 wagering activities. An initial cardroom license shall be issued
2546 to a pari-mutuel permitholder only after its facilities are in
2547 place and after it conducts its first day of live racing or
2548 games.

2549 (b) After the initial cardroom license is granted, the
2550 application for the annual license renewal shall be made in
2551 conjunction with the applicant's annual application for its
2552 pari-mutuel license. If a permitholder has operated a cardroom
2553 during any of the 3 previous fiscal years and fails to include a
2554 renewal request for the operation of the cardroom in its annual
2555 application for license renewal, the permitholder may amend its
2556 annual application to include operation of the cardroom. In
2557 order for a cardroom license to be renewed the applicant must
2558 have requested, as part of its pari-mutuel annual license
2559 application, to conduct at least 90 percent of the total number
2560 of live performances conducted by such permitholder during
2561 either the state fiscal year in which its initial cardroom
2562 license was issued or the state fiscal year immediately prior
2563 thereto if the permitholder ran at least a full schedule of live



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2564 racing or games in the prior year. If the application is for a
2565 harness permitholder cardroom, the applicant must have requested
2566 authorization to conduct a minimum of 140 live performances
2567 during the state fiscal year immediately prior thereto. If more
2568 than one permitholder is operating at a facility, each
2569 permitholder must have applied for a license to conduct a full
2570 schedule of live racing.

2571 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;
2572 APPLICATION; FEES.—

2573 (a) A person employed or otherwise working in a cardroom as
2574 a cardroom manager, floor supervisor, pit boss, dealer, or any
2575 other activity related to cardroom operations while the facility
2576 is conducting card playing or games of dominoes must hold a
2577 valid cardroom employee occupational license issued by the
2578 division. Food service, maintenance, and security employees with
2579 a current pari-mutuel occupational license and a current
2580 background check will not be required to have a cardroom
2581 employee occupational license.

2582 (b) Any cardroom management company or cardroom distributor
2583 associated with cardroom operations must hold a valid cardroom
2584 business occupational license issued by the division.

2585 (c) No licensed cardroom operator may employ or allow to
2586 work in a cardroom any person unless such person holds a valid
2587 occupational license. No licensed cardroom operator may
2588 contract, or otherwise do business with, a business required to
2589 hold a valid cardroom business occupational license, unless the
2590 business holds such a valid license.

2591 (d) The division shall establish, by rule, a schedule for
2592 the ~~annual~~ renewal of cardroom occupational licenses. Cardroom



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2593 occupational licenses are not transferable.

2594 (e) Persons seeking cardroom occupational licenses, or
2595 renewal thereof, shall make application on forms prescribed by
2596 the division. Applications for cardroom occupational licenses
2597 shall contain all of the information the division, by rule, may
2598 determine is required to ensure eligibility.

2599 (f) The division shall adopt ~~promulgate~~ rules regarding
2600 cardroom occupational licenses. The provisions specified in s.
2601 550.105(4), (5), (6), (7), (8), and (10) relating to licensure
2602 shall be applicable to cardroom occupational licenses.

2603 (g) The division may deny, declare ineligible, or revoke
2604 any cardroom occupational license if the applicant or holder
2605 thereof has been found guilty or had adjudication withheld in
2606 this state or any other state, or under the laws of the United
2607 States of a felony or misdemeanor involving forgery, larceny,
2608 extortion, conspiracy to defraud, or filing false reports to a
2609 government agency, racing or gaming commission or authority.

2610 (h) Fingerprints for all cardroom occupational license
2611 applications shall be taken in a manner approved by the division
2612 and then shall be submitted to the Florida Department of Law
2613 Enforcement and the Federal Bureau of Investigation for a
2614 criminal records check upon initial application and at least
2615 every 5 years thereafter. The division may by rule require an
2616 annual record check of all renewal applications for a cardroom
2617 occupational license. The cost of processing fingerprints and
2618 conducting a record check shall be borne by the applicant.

2619 (i) The cardroom employee occupational license fee shall
2620 not exceed ~~be~~ \$50 for any 12-month period. The cardroom business
2621 occupational license fee shall not exceed ~~be~~ \$250 for any 12-



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2622 month period.

2623 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2624 (a) A cardroom may be operated only at the location
2625 specified on the cardroom license issued by the division, and
2626 such location may only be the location at which the pari-mutuel
2627 permitholder is authorized to conduct pari-mutuel wagering
2628 activities pursuant to such permitholder's valid pari-mutuel
2629 permit or as otherwise authorized by law. Cardroom operations
2630 may not be allowed beyond the hours provided in paragraph (b)
2631 regardless of the number of cardroom licenses issued for
2632 permitholders operating at the pari-mutuel facility.

2633 (b) Any cardroom operator ~~horserace, greyhound race, or jai~~
2634 ~~alai permitholder licensed under this section~~ may operate a
2635 cardroom at the pari-mutuel facility daily throughout the year,
2636 ~~on any day for a cumulative amount of 12 hours~~ if the
2637 permitholder meets the requirements under paragraph (5) (b). The
2638 cardroom may be open a cumulative amount of 18 hours per day on
2639 Monday through Friday and 24 hours per day on Saturday and
2640 Sunday and on the holidays specified in s. 110.117(1).

2641 (8) METHOD OF WAGERS; LIMITATION.—

2642 (a) No wagering may be conducted using money or other
2643 negotiable currency. Games may only be played utilizing a
2644 wagering system whereby all players' money is first converted by
2645 the house to tokens or chips which shall be used for wagering
2646 only at that specific cardroom.

2647 (b) The cardroom operator may limit the amount wagered in
2648 any game or series of games, ~~but the maximum bet may not exceed~~
2649 ~~\$5 in value. There may not be more than three raises in any~~
2650 ~~round of betting. The fee charged by the cardroom for~~



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2651 ~~participation in the game shall not be included in the~~
2652 ~~calculation of the limitation on the bet amount provided in this~~
2653 ~~paragraph. However, a cardroom operator may conduct games of~~
2654 ~~Texas Hold-em without a betting limit if the required player~~
2655 ~~buy-in is no more than \$100.~~

2656 (c) A tournament shall consist of a series of games. The
2657 entry fee for a tournament may be set by the cardroom operator,
2658 ~~including any re-buys, may not exceed the maximum amount that~~
2659 ~~could be wagered by a participant in 10 like-kind, nontournament~~
2660 ~~games under paragraph (b).~~ Tournaments may be played only with
2661 tournament chips that are provided to all participants in
2662 exchange for an entry fee and any subsequent re-buys. All
2663 players must receive an equal number of tournament chips for
2664 their entry fee. Tournament chips have no cash value and
2665 represent tournament points only. There is no limitation on the
2666 number of tournament chips that may be used for a bet except as
2667 otherwise determined by the cardroom operator. Tournament chips
2668 may never be redeemed for cash or for any other thing of value.
2669 The distribution of prizes and cash awards must be determined by
2670 the cardroom operator before entry fees are accepted. For
2671 purposes of tournament play only, the term "gross receipts"
2672 means the total amount received by the cardroom operator for all
2673 entry fees, player re-buys, and fees for participating in the
2674 tournament less the total amount paid to the winners or others
2675 as prizes.

2676 (13) TAXES AND OTHER PAYMENTS.—

2677 (d)1. Each greyhound and jai alai permitholder that
2678 operates a cardroom facility shall use at least 4 percent of
2679 such permitholder's cardroom monthly gross receipts to



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2680 supplement greyhound purses or jai alai prize money,
2681 respectively, during the permitholder's next ensuing pari-mutuel
2682 meet.

2683 2. Each thoroughbred and harness horse racing permitholder
2684 that operates a cardroom facility shall use at least 50 percent
2685 of such permitholder's cardroom monthly net proceeds as follows:
2686 47 percent to supplement purses and 3 percent to supplement
2687 breeders' awards during the permitholder's next ensuing racing
2688 meet.

2689 3. No cardroom license or renewal thereof shall be issued
2690 to an applicant holding a permit under chapter 550 to conduct
2691 pari-mutuel wagering meets of quarter horse racing unless the
2692 applicant has on file with the division a binding written
2693 agreement between the applicant and the Florida Quarter Horse
2694 Racing Association or the association representing a majority of
2695 the horse owners and trainers at the applicants eligible
2696 facility, governing the payment of purses on live quarter horse
2697 racetracks conducted at the licensee's pari-mutuel facility. The
2698 agreement governing purses may direct the payment of such purses
2699 from revenues generated by any wagering or gaming the applicant
2700 is authorized to conduct under Florida law. All purses shall be
2701 subject to the terms of chapter 550.

2702 Section 25. Paragraph (a) of subsection (1) and paragraph
2703 (a) of subsection (2) of section 895.02, Florida Statutes, are
2704 amended to read:

2705 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

2706 (1) "Racketeering activity" means to commit, to attempt to
2707 commit, to conspire to commit, or to solicit, coerce, or
2708 intimidate another person to commit:



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- 2709 (a) Any crime that is chargeable by petition, indictment,
2710 or information under the following provisions of the Florida
2711 Statutes:
- 2712 1. Section 210.18, relating to evasion of payment of
2713 cigarette taxes.
 - 2714 2. Section 316.1935, relating to fleeing or attempting to
2715 elude a law enforcement officer and aggravated fleeing or
2716 eluding.
 - 2717 3. Section 403.727(3)(b), relating to environmental
2718 control.
 - 2719 4. Section 409.920 or s. 409.9201, relating to Medicaid
2720 fraud.
 - 2721 5. Section 414.39, relating to public assistance fraud.
 - 2722 6. Section 440.105 or s. 440.106, relating to workers'
2723 compensation.
 - 2724 7. Section 443.071(4), relating to creation of a fictitious
2725 employer scheme to commit unemployment compensation fraud.
 - 2726 8. Section 465.0161, relating to distribution of medicinal
2727 drugs without a permit as an Internet pharmacy.
 - 2728 9. Section 499.0051, relating to crimes involving
2729 contraband and adulterated drugs.
 - 2730 10. Part IV of chapter 501, relating to telemarketing.
 - 2731 11. Chapter 517, relating to sale of securities and
2732 investor protection.
 - 2733 12. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~
2734 relating to dogracing and horseracing.
 - 2735 13. Chapter 550, relating to jai alai frontons.
 - 2736 14. Section 551.109, relating to slot machine gaming.
 - 2737 15. Chapter 552, relating to the manufacture, distribution,



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2738 and use of explosives.
2739 16. Chapter 560, relating to money transmitters, if the
2740 violation is punishable as a felony.
2741 17. Chapter 562, relating to beverage law enforcement.
2742 18. Section 624.401, relating to transacting insurance
2743 without a certificate of authority, s. 624.437(4)(c)1., relating
2744 to operating an unauthorized multiple-employer welfare
2745 arrangement, or s. 626.902(1)(b), relating to representing or
2746 aiding an unauthorized insurer.
2747 19. Section 655.50, relating to reports of currency
2748 transactions, when such violation is punishable as a felony.
2749 20. Chapter 687, relating to interest and usurious
2750 practices.
2751 21. Section 721.08, s. 721.09, or s. 721.13, relating to
2752 real estate timeshare plans.
2753 22. Section 775.13(5)(b), relating to registration of
2754 persons found to have committed any offense for the purpose of
2755 benefiting, promoting, or furthering the interests of a criminal
2756 gang.
2757 23. Section 777.03, relating to commission of crimes by
2758 accessories after the fact.
2759 24. Chapter 782, relating to homicide.
2760 25. Chapter 784, relating to assault and battery.
2761 26. Chapter 787, relating to kidnapping or human
2762 trafficking.
2763 27. Chapter 790, relating to weapons and firearms.
2764 28. Chapter 794, relating to sexual battery, but only if
2765 such crime was committed with the intent to benefit, promote, or
2766 further the interests of a criminal gang, or for the purpose of



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2767 increasing a criminal gang member's own standing or position
2768 within a criminal gang.
2769 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
2770 796.05, or s. 796.07, relating to prostitution and sex
2771 trafficking.
2772 30. Chapter 806, relating to arson and criminal mischief.
2773 31. Chapter 810, relating to burglary and trespass.
2774 32. Chapter 812, relating to theft, robbery, and related
2775 crimes.
2776 33. Chapter 815, relating to computer-related crimes.
2777 34. Chapter 817, relating to fraudulent practices, false
2778 pretenses, fraud generally, and credit card crimes.
2779 35. Chapter 825, relating to abuse, neglect, or
2780 exploitation of an elderly person or disabled adult.
2781 36. Section 827.071, relating to commercial sexual
2782 exploitation of children.
2783 37. Chapter 831, relating to forgery and counterfeiting.
2784 38. Chapter 832, relating to issuance of worthless checks
2785 and drafts.
2786 39. Section 836.05, relating to extortion.
2787 40. Chapter 837, relating to perjury.
2788 41. Chapter 838, relating to bribery and misuse of public
2789 office.
2790 42. Chapter 843, relating to obstruction of justice.
2791 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
2792 s. 847.07, relating to obscene literature and profanity.
2793 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2794 849.25, relating to gambling.
2795 45. Chapter 874, relating to criminal gangs.



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2796 46. Chapter 893, relating to drug abuse prevention and
2797 control.
2798 47. Chapter 896, relating to offenses related to financial
2799 transactions.
2800 48. Sections 914.22 and 914.23, relating to tampering with
2801 or harassing a witness, victim, or informant, and retaliation
2802 against a witness, victim, or informant.
2803 49. Sections 918.12 and 918.13, relating to tampering with
2804 jurors and evidence.
2805 (2) "Unlawful debt" means any money or other thing of value
2806 constituting principal or interest of a debt that is legally
2807 unenforceable in this state in whole or in part because the debt
2808 was incurred or contracted:
2809 (a) In violation of any one of the following provisions of
2810 law:
2811 1. Section 550.235 or, s. 550.3551, ~~or s. 550.3605,~~
2812 relating to dogracing and horseracing.
2813 2. Chapter 550, relating to jai alai frontons.
2814 3. Section 551.109, relating to slot machine gaming.
2815 4. Chapter 687, relating to interest and usury.
2816 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2817 849.25, relating to gambling.
2818 Section 26. Sections 1 through 3 of this act and this
2819 section shall take effect upon becoming law. Sections 4 through
2820 25 shall take effect only if the Governor and an authorized
2821 representative of the Seminole Tribe of Florida execute an
2822 Indian Gaming Compact pursuant to the Indian Gaming Regulatory
2823 Act of 1988 and requirements of this act, only if the compact is
2824 ratified by the Legislature, and only if the compact is approved



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2825 or deemed approved, and not voided pursuant to the terms of this
2826 act, by the Department of the Interior, and such sections take
2827 effect on the date that the approved compact is published in the
2828 Federal Register.

2829

2830 ===== T I T L E A M E N D M E N T =====

2831 And the title is amended as follows:

2832 Delete everything before the enacting clause
2833 and insert:

2834

A bill to be entitled

2835

An act relating to a gaming; creating s. 285.710,

2836

F.S.; providing terms and conditions for a gaming

2837

compact between the State of Florida and the Seminole

2838

Tribe of Florida; defining terms; providing that the

2839

previous compact between the Tribe and the Governor is

2840

not approved or ratified by the Legislature; directing

2841

the Governor to negotiate a gaming compact with the

2842

Tribe; specifying requirements and minimum standards

2843

for the compact; designating the Division of Pari-

2844

mutuel Wagering of the Department of Business and

2845

Professional Regulation to carry out the state's

2846

oversight responsibilities under the compact;

2847

providing for Legislative approval of a negotiated

2848

compact and amendments to the compact; providing that

2849

the compact becomes void as the result of a judicial

2850

decision or decision of the Secretary of the United

2851

States Department of the Interior invalidating certain

2852

provisions of the compact; providing for the deposit

2853

of compact revenues into the Educational Enhancement



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2854 Trust Fund; providing legislative intent to review the
2855 compact; specifying the date on which the authority of
2856 the Governor to negotiate a compact expires; providing
2857 Legislative intent to review the compact in 5 years;
2858 specifying games that the Tribe is authorized to play
2859 pursuant to the compact; directing the Governor to
2860 negotiate agreements with Indian tribes in this state,
2861 subject to approval by the Legislature, relating to
2862 the application of state taxes on Indian lands;
2863 requiring the release of certain revenues to the
2864 state; creating s. 285.711, F.S.; authorizing the
2865 Governor to negotiate and execute a compact between
2866 the State of Florida and the Seminole Tribe of Florida
2867 in the form provided; providing terms and conditions
2868 for the gaming compact; defining terms; specifying
2869 games that may be authorized for play pursuant to the
2870 compact; specifying revenue sharing between the state
2871 and the Tribe; limiting the number of facilities at
2872 which gaming may occur and specifying the gaming
2873 activities that can be conducted at specified
2874 facilities; specifying the rules and regulations and
2875 minimum requirements for the compact; providing for
2876 state monitoring of the compact; specifying
2877 requirements for a central computer system on gaming
2878 facility premises; requiring that the system provide
2879 the state with access to certain data; specifying the
2880 authority of the state to oversee gaming activities by
2881 the Tribe; requiring medical professionals employed at
2882 the Tribe's gaming facilities to have certain minimum



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2883 qualifications; requiring access for municipal or
2884 county emergency medical services; specifying minimum
2885 construction standards for the Tribe's gaming
2886 facilities; specifying minimum environmental
2887 standards; providing for revenue sharing payments by
2888 the Tribe to the state based on the Tribes net win
2889 from covered games; providing for the reduction of the
2890 Tribe's net win on which revenue sharing is based
2891 under certain circumstances; specifying procedures for
2892 tort claims by patrons; requiring the Tribe to
2893 maintain a minimum amount of general liability
2894 insurance for tort claims; prohibiting the Tribe or
2895 its insurer from invoking sovereign immunity under
2896 certain circumstances; requiring the Tribe to waive
2897 its sovereign immunity for disputes relating to the
2898 compact; providing for the resolution of disputes
2899 between the Tribe and the state; requiring presuit
2900 arbitration of disputes relating to the compact;
2901 requiring the Tribe to maintain nondiscriminatory
2902 employment practices; requiring the Tribe to use its
2903 best efforts to spend its revenue in this state;
2904 specifying the term of the compact; amending s.
2905 1013.737, F.S.; authorizing the state to pledge to use
2906 revenues from gaming activities to repay bonds;
2907 amending s. 550.002, F.S.; revising the definition of
2908 the term "full schedule of live racing or games" in
2909 reference to quarter horse permitholders; amending s.
2910 550.01215, F.S.; removing an exception to the required
2911 issuance date of licenses to conduct thoroughbred



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2912 racing performances; amending s. 550.054, F.S.;

2913 providing for a jai alai permit holder meeting certain

2914 conditions to apply to the Division of Pari-mutuel

2915 Wagering to convert a permit to conduct jai alai to a

2916 permit to conduct greyhound racing; directing the

2917 division to issue a permit to conduct greyhound racing

2918 if certain conditions are met; providing for the

2919 relocation of certain permits; amending ss. 550.0951

2920 and 550.09511, F.S.; revising requirements for the

2921 payment of daily license fees and taxes; amending s.

2922 550.09514, F.S.; conforming provisions to changes made

2923 by the act; amending s. 550.105, F.S.; revising

2924 provisions for business and occupational licenses;

2925 providing for a determination of fees for such

2926 licenses valid for more than 12 months; directing the

2927 Division of Pari-mutuel Wagering to adopt rules for

2928 licensing periods and renewal cycles; defining the

2929 term "convicted" as it applies to occupational license

2930 applicants; limiting application of the term

2931 "conviction"; revising the time period that a

2932 temporary occupational license may be valid; removing

2933 a requirement that an applicant's signature be

2934 witnessed and notarized or signed in the presence of a

2935 division official; providing for retention of

2936 fingerprints and criminal history screening; providing

2937 for payment of a fee for screenings; providing that

2938 the fee be established by rule of the Department of

2939 Law Enforcement; requiring that the cost of processing

2940 fingerprints and conducting a national criminal



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2941 history record check for a general occupational
2942 license be borne by the applicant and for a business
2943 or professional occupational license be borne by the
2944 person being checked; requiring licensees to disclose
2945 certain convictions; amending s. 550.2415, F.S.;

2946 revising provisions prohibiting cruelty to animals;
2947 providing that the prohibition applies to any act of
2948 cruelty involving any animal; authorizing the division
2949 to inspect any area at a pari-mutuel facility for
2950 certain purposes; amending s. 550.26165, F.S.;

2951 providing for certain flexibility in the awards
2952 programs of the Florida Thoroughbred Breeders'
2953 Association in order to attract thoroughbred breeding
2954 and training operations; prohibiting the association
2955 from giving certain awards under certain
2956 circumstances; amending s. 550.2625, F.S.; clarifying
2957 provisions relating to owners' awards; amending s.
2958 550.334, F.S.; revising provisions for permits to
2959 conduct quarter horse race meetings; removing
2960 provisions for application to the Division of Pari-
2961 mutuel Wagering for a permit to conduct quarter horse
2962 race meetings; removing provisions for granting a
2963 license to conduct quarter horse racing; revising a
2964 provision for governance and control of quarter horse
2965 racing; revising authorization to substitute races of
2966 other breeds of horses; providing for an exception to
2967 a prohibition against the transfer or conversion of a
2968 quarter horse permit; providing requirements for a
2969 quarter horse racing permitholder to be eligible to



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2970 conduct intertrack wagering; providing requirements
2971 for a quarter horse racing permit holder to be eligible
2972 to operate a cardroom; removing certain provisions
2973 restricting intertrack wagering; creating s. 550.3345,
2974 F.S.; providing for the transfer of a quarter horse
2975 racing permit to a not-for-profit corporation;
2976 providing for membership and purpose of such
2977 corporation; providing for conversion of such permit
2978 to a limited thoroughbred permit; requiring net
2979 revenues derived by the not-for-profit corporation to
2980 be used for certain purposes relating to the
2981 thoroughbred horse racing industry; prohibiting live
2982 racing in certain locations during certain times;
2983 providing licensure requirements; providing for a
2984 change in location of the permit; prohibiting transfer
2985 of the converted permit; providing for application of
2986 state law to the permit and the corporation; providing
2987 an exception to certain provisions for failure to pay
2988 tax on handle; amending s. 550.3355, F.S.; revising
2989 the time period for a harness track summer season;
2990 repealing s. 550.3605, F.S., relating to use of
2991 electronic transmitting equipment on the premises of a
2992 horse or dog racetrack or jai alai fronton; amending
2993 s. 550.5251, F.S.; revising provisions for licensing
2994 to conduct thoroughbred racing; revising certain dates
2995 relating to licensing and the thoroughbred racing
2996 season; removing a provision for a summer thoroughbred
2997 horse racing permit; providing an exception to
2998 requirements relating to required races for



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2999 thoroughbred permitholders; removing expired
3000 provisions relating to scheduled performances;
3001 amending s. 551.102, F.S.; redefining the terms
3002 "eligible facility" and "progressive system" to
3003 include licensed facilities in other jurisdictions;
3004 amending s. 551.104, F.S.; providing that the payout
3005 percentage of a slot machine gaming facility must be
3006 at least 85 percent; amending s. 551.106, F.S.;;
3007 revising the license fee and tax rate for slot machine
3008 licensees; providing for minimum tax revenue from the
3009 operation of slot machines; amending s. 551.121, F.S.;;
3010 clarifying a provision prohibiting the use of a
3011 progressive system between licensed facilities;
3012 amending s. 849.086, F.S.;; revising requirements for
3013 initial issuance of a cardroom license; requiring the
3014 permitholder to be licensed to conduct a full schedule
3015 of live racing or games during the state fiscal year
3016 in which the initial cardroom license is issued;
3017 revising provisions for renewal of a cardroom
3018 occupational license; revising requirements for
3019 occupational licensee's criminal records check;
3020 providing a limitation on occupational licensee fees;
3021 permitting cardroom operators to operate 24 hours per
3022 day; increasing certain wager and buy-in limits;
3023 permitting charity tournaments under certain
3024 conditions; amending ss. 772.102 and 895.02, F.S.;;
3025 correcting cross-references; providing effective
3026 dates, one of which is contingent.