



409112

580-02518A-10

Proposed Committee Substitute by the Committee on Regulated
Industries

1 A bill to be entitled
2 An act relating to gaming; amending s. 285.710, F.S.;
3 clarifying that the tribal-state compact executed by
4 the Governor and the Seminole Tribe of Florida on
5 November 14, 2007, is void and not in effect;
6 providing that the tribal-state compact executed by
7 the Seminole Tribe of Florida and the Governor on
8 August 28, 2009, and August 31, 2009, respectively, is
9 void and not in effect; providing authority for the
10 Governor to negotiate another tribal-state compact
11 under certain conditions; providing certain
12 limitations with respect to the terms and standards of
13 the compact and the revenue sharing agreed to under
14 the compact; requiring that the executed compact be
15 filed with the Secretary of State; amending s.
16 285.711, F.S., relating to the gaming compact;
17 correcting cross-references; creating part II of ch.
18 551, F.S., relating to electronic gaming machines;
19 providing legislative findings and intent; authorizing
20 electronic gaming machines in certain pari-mutuel
21 facilities; defining terms; providing powers and
22 duties of the Division of Pari-mutuel Wagering of the
23 Department of Business and Professional Regulation and
24 the Department of Law Enforcement; authorizing the
25 Division of Pari-mutuel Wagering to adopt rules
26 regulating electronic gaming activities; authorizing
27 the Division of Pari-mutuel Wagering and the



409112

580-02518A-10

28 Department of Law Enforcement to conduct
29 investigations relating to electronic gaming;
30 authorizing the Division of Pari-mutuel Wagering to
31 issue licenses for electronic gaming; specifying
32 qualifications of licensees; requiring licensees to
33 provide advance notice of certain ownership changes to
34 the Division of Pari-mutuel Wagering; specifying
35 requirements for a licensee's facilities-based
36 computer system; requiring electronic gaming machines
37 to maintain a payout percentage of at least 85
38 percent; requiring licensees to maintain records;
39 requiring licensees to make and file certain reports
40 with the Division of Pari-mutuel Wagering; requiring
41 an applicant for an electronic gaming license to have
42 certain agreements for live races or games; providing
43 for arbitration of such agreements; providing for
44 severability; authorizing the Division of Pari-mutuel
45 Wagering to issue temporary occupational licenses;
46 providing for the renewal of electronic gaming machine
47 licenses; specifying a nonrefundable licensing fee for
48 electronic gaming licenses; specifying the rate of tax
49 on electronic gaming machine revenues; providing
50 penalties for failure to pay the tax; requiring
51 electronic gaming machine licensees and certain
52 persons having access to gaming areas to submit
53 fingerprints in connection with certain occupational
54 licenses; specifying grounds for the Division of Pari-
55 mutuel Wagering to take action against applicants for
56 licensure and licensees having certain occupational



409112

580-02518A-10

57 licenses; authorizing the Division of Pari-mutuel
58 Wagering to impose fines for violations of laws
59 relating to electronic gaming; prohibiting regulators,
60 certain businesses, licensees, and employees from
61 having certain relationships with each other;
62 subjecting a person who makes certain false statements
63 to fines; subjecting a person to fines for possessing
64 electronic games without a license; imposing criminal
65 penalties for attempting to manipulate electronic
66 gaming machines or committing theft relating to
67 electronic gaming; authorizing warrantless arrests by
68 law enforcement officers under certain circumstances;
69 providing immunity to law enforcement officers who
70 make such arrests; imposing criminal penalties for
71 resisting arrest or detention; prohibiting electronic
72 gaming machines from entering this state; authorizing
73 the Division of Pari-mutuel Wagering to exclude
74 certain individuals from the facility of an electronic
75 gaming machine licensee; prohibiting persons who are
76 younger than 18 years of age from playing an
77 electronic gaming machine; specifying a limit on the
78 number of electronic gaming machines in a facility;
79 requiring an electronic gaming machine licensee to
80 provide office space to the Division of Pari-mutuel
81 Wagering and to the Department of Law Enforcement free
82 of charge; limiting the hours that an electronic
83 gaming machine facility may operate; authorizing the
84 Division of Pari-mutuel Wagering to revoke or suspend
85 licenses or impose fines for willful violations of



409112

580-02518A-10

86 laws or rules regulating electronic gaming; requiring
87 electronic gaming machine licensees to train employees
88 about gambling addictions; imposing a regulatory fee
89 for a gambling addiction program; entitling electronic
90 gaming machine licensees to a caterer's license;
91 restricting the provision of alcoholic beverages,
92 automated teller machines, and check cashing
93 activities in gaming machine areas; authorizing the
94 Division of Pari-mutuel Wagering to adopt rules;
95 preempting to the state the authority to regulate
96 electronic gaming facilities; excepting bingo games
97 operated by charitable, nonprofit, or veterans'
98 organizations from the provisions of the act; amending
99 s. 215.22, F.S.; exempting taxes imposed on electronic
100 gaming and electronic gaming machines from specified
101 service charges; authorizing the Department of
102 Business and Professional Regulation to spend certain
103 trust funds; requiring repayment of such funds;
104 amending s. 550.002, F.S.; revising definitions;
105 defining the term "historical racing system"; amending
106 s. 550.0951, F.S.; specifying the tax on historical
107 racing, the take-out of a pari-mutuel pool, and a
108 payment to a purse account; specifying the fee for a
109 permitholder to conduct historical racing; revising
110 the date on which tax payments are due; amending s.
111 550.135, F.S.; providing for the reservation of
112 electronic gaming machine license fees and compulsive
113 gambling prevention fees in a trust fund; creating s.
114 550.810, F.S.; specifying requirements for historical



409112

580-02518A-10

115 racing systems; limiting the number of historical
116 terminals in certain pari-mutuel facilities;
117 authorizing the Division of Pari-mutuel Wagering to
118 adopt rules regulating historical racing; providing
119 for the disposition of pari-mutuel tickets that are
120 not redeemed within a certain period of time; amending
121 s. 551.101, F.S.; authorizing slot machine gaming at
122 other licensed facilities under certain circumstances;
123 amending s. 551.102, F.S., redefining the term
124 "eligible facility" to include licensed facilities in
125 other parts of the state; amending s. 849.086, F.S.;
126 redefining the term "authorized game" for purposes of
127 conducting games at licensed cardrooms; authorizing
128 banked card games at licensed cardrooms if approved
129 pursuant to a referendum; authorizing roulette, craps,
130 roulette-style, and craps-style games at licensed
131 cardrooms if approved pursuant to a referendum;
132 providing requirements for the referendum; creating s.
133 849.087, F.S.; providing for the regulation of
134 intrastate Internet poker by the Division of Pari-
135 mutuel Wagering; requiring that an Internet poker hub
136 operator submit an initial application fee and pay the
137 costs of an investigation; requiring that a
138 licenseholder maintain a surety bond during the term
139 of the license; providing for an annual license fee;
140 specifying the amount of tax on the monthly gross
141 receipts derived from the play of intrastate Internet
142 poker; requiring that a portion of the gross receipts
143 be used to supplement pari-mutuel purses and prize



409112

580-02518A-10

144 money; requiring the division to adopt rules
145 regulating intrastate Internet poker; amending s.
146 849.15, F.S.; authorizing the possession of certain
147 gambling devices to conform to changes made by the
148 act; amending s. 849.161, F.S.; providing that certain
149 provisions of ch. 849, F.S., do not apply to licensed
150 cardrooms that operate certain mechanical historical
151 racing systems; amending s. 895.02, F.S.; revising the
152 definitions of "racketeering activity" and "unlawful
153 debt" to include certain violations involving
154 historical racing systems and electronic gaming;
155 directing the Attorney General to request that the
156 United States Attorneys in the appropriate federal
157 districts take criminal and civil action to stop the
158 illegal class III gaming being conducted on Indian
159 lands; providing for expiration of the Governor's
160 authority to enter into a tribal-state compact;
161 designating the Governor as the official to negotiate
162 tribal-state compacts; providing for ratification of
163 tribal-state compacts by the Legislature; providing
164 for submission of the tribal-state compact to the
165 Legislature and Secretary of State; providing for
166 submission of the tribal-state compact to the
167 Secretary of the Interior; providing an appropriation
168 and the creation of full-time equivalent positions;
169 amending s. 26 of chapter 2009-170, Laws of Florida,
170 relating to the effective date of a prior act of the
171 Legislature relating to gaming; conforming provisions
172 to changes made by the act; providing contingent



409112

580-02518A-10

173 effective dates.

174
175 Be It Enacted by the Legislature of the State of Florida:

176
177 Section 1. Section 285.710, Florida Statutes, is amended to
178 read:

179 285.710 Compact authorization.—

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

182 (2) The agreement executed by the Governor and the Seminole
183 Tribe of Florida on November 14, 2007, published in the Federal
184 Register on January 7, 2008, and subsequently invalidated by the
185 Florida Supreme Court in the case of *Florida House of*
186 *Representatives, et al. v. The Honorable Charles J. Crist, Jr.,*
187 *etc.*, No. SC07-2154, (2008) is not ratified or approved by the
188 Legislature and is void and not in effect.

189 (3) The authority granted to the Governor by s. 1 of
190 chapter 2009-170, Laws of Florida, expired at 11:59 p.m. on
191 August 31, 2009. The agreement executed by the Seminole Tribe of
192 Florida and the Governor on August 28, 2009, and August 31,
193 2009, respectively, and transmitted to the President of the
194 Senate and the Speaker of the House of Representatives, is not
195 ratified or approved by the Legislature and is void and not in
196 effect.

197 (4) (a) Subject to the limitations in s. 285.711, the
198 Governor is hereby authorized and directed to negotiate and
199 execute a compact on behalf of the state with the Tribe pursuant
200 to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C.
201 ss. 1166-1168, and 25 U.S.C. ss. 2701 et seq., and this act for



409112

580-02518A-10

202 the purpose of authorizing Class III gaming on Seminole lands
203 within this state. Any such compact shall not be deemed entered
204 into by the state unless and until it is ratified by the
205 Legislature.

206 (b) The compact authorized by this part may include
207 additional provisions for the effective administration of the
208 compact, but the Governor is not authorized to negotiate or
209 execute a compact that has any provision that is inconsistent
210 with, or differs from, the terms and standards for a compact as
211 set forth in this part relating to:

- 212 1. Covered games;
213 2. Location of covered games;
214 3. The amount of annual revenue sharing payments, except as
215 provided in paragraph (c);
216 4. Suspension or reduction of payments;
217 5. Exclusivity; or
218 6. The state compliance agency designated in subsection
219 (12).

220 (c) Any revenue sharing agreed to between the Governor and
221 the Seminole Tribe of Florida may be for an amount that is more
222 than the amount required in s. 285.711, but in no event shall
223 the amount be less than the amount required in s. 285.711.

224 (5)-(4) The Governor is authorized to bind the state to any
225 amendment to the compact that is consistent with the terms and
226 standards in this part section and s. 285.711, provided that any
227 amendment to provisions relating to covered games, the amount of
228 revenue sharing payments, suspension or reduction of payments,
229 or exclusivity shall require ratification by the Legislature.

230 (6)-(5)(a) The Governor shall provide a copy of the compact



409112

580-02518A-10

231 to the President of the Senate and the Speaker of the House of
232 Representatives as soon as it is executed. The executed compact
233 shall be filed with the Secretary of State pursuant to s. 15.01.

234 The compact shall not be submitted to the Department of the
235 Interior by or on behalf of the state or the Tribe until it has
236 been ratified by the Legislature.

237 (b) The Governor shall provide a copy of any amendment to
238 the compact to the President of the Senate and the Speaker of
239 the House of Representatives as soon as it is executed and
240 before or simultaneous with its submission to the Department of
241 the Interior, provided that any amendment requiring ratification
242 by the Legislature shall not be submitted to the Department of
243 the Interior for approval until such ratification has occurred.

244 ~~(7)(6)~~ The Governor shall preserve all documents, if any,
245 which relate to the intent or interpretation of the compact, and
246 maintain such documents for at least the term of the compact.

247 ~~(8)(7)~~ If any provision of the compact relating to covered
248 games, payments, suspension or reduction in payments, or
249 exclusivity is held by a court of competent jurisdiction or by
250 the Department of the Interior to be invalid, the compact is
251 void.

252 ~~(9)(8)~~ In the event that a subsequent change to the Indian
253 Gaming Regulatory Act, or to an implementing regulation thereof,
254 mandates the retroactive application of such change without the
255 respective consent of the state or Tribe, the compact is void if
256 it materially alters the terms and standards in the compact
257 relating to the covered games, payments, suspension or reduction
258 of payments, or exclusivity.

259 ~~(10)(9)~~ The Governor shall ensure that all revenue sharing



409112

580-02518A-10

260 received pursuant to the compact and agreement executed by the
261 Governor and the Tribe on November 14, 2007, is deposited into
262 the Education Enhancement Trust Fund provided that, if necessary
263 to comply with any covenant established pursuant to s.
264 1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred
265 to the Educational Enhancement Trust Fund shall be first
266 available to pay debt service on lottery bonds issued to fund
267 school construction in the event lottery revenues are
268 insufficient for such purpose or to satisfy debt service reserve
269 requirements established in connection with lottery bonds.

270 ~~(10) Except for the authority granted to the Governor in~~
271 ~~subsections (4) and (13), the authority granted to the Governor~~
272 ~~by this section and s. 285.711 expires at 11:59 p.m. on August~~
273 ~~31, 2009.~~

274 (11) It is the intent of the Legislature to review a
275 compact entered into under the provisions of this section within
276 5 years after the compact is approved. It is the intent of the
277 Legislature to consider the authorization of additional Class
278 III games for operation by the Tribe based upon successful
279 implementation of the compact and the history of compliance with
280 the compact.

281 (12) The Division of Pari-mutuel Wagering of the Department
282 of Business and Professional Regulation is designated as the
283 state compliance agency having the authority to carry out the
284 state's oversight responsibilities under a compact authorized by
285 this act.

286 (13) (a) The Governor is authorized ~~and directed~~ to execute
287 an agreement on behalf of the State of Florida with the Indian
288 tribes in this state, acting on a government-to-government



409112

580-02518A-10

289 basis, to develop and implement a fair and workable arrangement
290 to apply state taxes on persons and transactions on Indian
291 lands. Such agreements shall address the imposition of specific
292 taxes, including sales taxes and exemptions from those taxes.

293 (b) The agreement shall address the Tribe's collection and
294 remittance of sales taxes imposed by chapter 212 to the
295 Department of Revenue. The sales taxes collected and remitted by
296 the Tribe shall be based on all sales to non-tribal members,
297 except those non-tribal members who hold valid exemption
298 certificates issued by the Department of Revenue, exempting the
299 sales from taxes imposed by chapter 212.

300 (c) The agreement shall require the Tribe to register with
301 the Department of Revenue and remit to the Department of Revenue
302 the taxes collected.

303 (d) The agreement shall require the Tribe to retain for at
304 least a period of 5 years records of all sales to non-tribal
305 members which are subject to taxation under chapter 212. The
306 agreement shall permit the Department of Revenue to conduct an
307 audit not more often than annually in order to verify such
308 collections. The agreement shall require the Tribe to provide
309 reasonable access during normal operating hours to records of
310 transactions subject to the taxes collected.

311 (e) The agreement shall provide a procedure for the
312 resolution of any disputes about the amounts collected pursuant
313 to the agreement. For purposes of the agreement for the
314 collection and remittance of sales taxes, the agreement must
315 provide that the Tribe agrees to waive its immunity, except that
316 the state may seek monetary damages limited to the amount of
317 taxes owed.



409112

580-02518A-10

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

321 (14) Any moneys remitted by the Tribe before the effective
322 date of a compact entered into by the state and the Tribe
323 pursuant to this act shall be deemed forfeited by the Tribe and
324 released to the state without further obligation or encumbrance.
325 The Legislature further finds that acceptance and appropriation
326 of such funds does not legitimize, validate, or otherwise ratify
327 any previously proposed compact or the operation of Class III
328 games by the Tribe for any period prior to the effective date of
329 a valid compact pursuant to this act.

330 (15) For the purpose of satisfying the requirement in 25
331 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
332 under an Indian gaming compact must be permitted in the state
333 for any purpose by any person, organization, or entity, the
334 following Class III games or other games specified in this
335 section are hereby authorized to be conducted by the Tribe
336 pursuant to a compact as that is substantially in the form
337 provided in this part ~~s. 285.711~~:

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

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

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

344 (16) Notwithstanding any other provision of state law, it
345 is not a crime for a person to participate in the games
346 specified in subsection (15) at a tribal facility operating



409112

580-02518A-10

347 under a compact entered into pursuant to this act.

348 Section 2. Section 285.711, Florida Statutes, is amended to
349 read:

350 285.711 Gaming compact between the Seminole Tribe and the
351 State of Florida.—The Governor is authorized and directed to
352 negotiate and execute a gaming compact with the Seminole Tribe
353 of Florida on behalf of the State of Florida subject to
354 ratification by the Legislature, in the form substantially as
355 follows subject to the provisions of s. 285.710(4)(b):

356
357 Gaming Compact

358 Between the Seminole Tribe of Florida
359 and the State of Florida

360
361 This Compact is made and entered into by and between the
362 Seminole Tribe of Florida, a federally recognized Indian Tribe,
363 and the State of Florida, with respect to the operation of
364 Covered Games on the Tribe's Indian lands as defined by the
365 Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

366 PART I.

367
368 TITLE.—This Compact shall be referred to as the "Seminole
369 Tribe of Florida and State of Florida Gaming Compact."

370
371 PART II.

372
373 RECITALS.—

374 A. The Seminole Tribe of Florida is a federally recognized
375 tribal government possessing sovereign powers and rights of



409112

580-02518A-10

376 self-government.

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

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

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

386 E. Pursuant to the Seminole Tribe Amended Gaming Ordinance,
387 adopted by Resolution No. C-195-06, and approved by the National
388 Indian Gaming Commission on July 10, 2006, hereafter referred to
389 as the Seminole Tribal Gaming Code, the Seminole Tribe of
390 Florida desires to offer the play of Covered Games, as defined
391 in Part III. of this Compact, as a means of generating revenues
392 for purposes authorized by the Indian Gaming Regulatory Act,
393 including without limitation the support of tribal governmental
394 programs, such as health care, housing, sewer and water
395 projects, police, fire suppression, general assistance for
396 tribal elders, day care for children, economic development,
397 educational opportunities, per capita payments to tribal
398 members, and other typical and valuable governmental services
399 and programs for tribal members.

400 F. It is in the best interest of the State of Florida to
401 enter into a compact with the Seminole Tribe of Florida. This
402 Compact will generally benefit Florida, while at the same time
403 limiting the expansion of gaming within the State. The State of
404 Florida also recognizes that the significant revenue



409112

580-02518A-10

405 participation pursuant to the Compact in exchange for its
406 exclusivity provisions provide an opportunity to increase and
407 enhance the dollars available to spend on governmental programs
408 that benefit the citizens of Florida.

409 G. The agreement executed by the Seminole Tribe of Florida
410 and the Governor of Florida on November 14, 2007, published in
411 the Federal Register on January 7, 2008, and subsequently
412 invalidated by the Florida Supreme Court in the case of *Florida*
413 *House of Representatives, et al. vs. The Honorable Charles J.*
414 *Crist, Jr., etc.*, No. SC07-2154, (2008) is void and not in
415 effect.

416 PART III.

417
418 DEFINITIONS.—As used in this Compact and the Appendices
419 thereto:

420 A. "Annual Oversight Assessment" means the assessment
421 described in Part XI., Section D ~~C~~ of this Compact.

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

425 C. "Commission" means the Seminole Tribal Gaming
426 Commission, which is the tribal governmental agency that has the
427 authority to carry out the Tribe's regulatory and oversight
428 responsibilities under this Compact.

429 D. "Compact" means the Seminole Tribe of Florida and State
430 of Florida Gaming Compact.

431 E. "Covered Game" or "Covered Gaming Activity" means the
432 following gaming activities:

433 1. (a) Slot machines, means any mechanical or electrical



409112

580-02518A-10

434 contrivance, terminal that may or may not be capable of
435 downloading slot games from a central server system, machine, or
436 other device that, upon insertion of a coin, bill, ticket,
437 token, or similar object or upon payment of any consideration
438 whatsoever, including the use of any electronic payment system,
439 except a credit card or debit card, is available to play or
440 operate, the play or operation of which, whether by reason of
441 skill or application of the element of chance or both, may
442 deliver or entitle the person or persons playing or operating
443 the contrivance, terminal, machine, or other device to receive
444 cash, billets, tickets, tokens, or electronic credits to be
445 exchanged for cash or to receive merchandise or anything of
446 value whatsoever, whether the payoff is made automatically from
447 the machine or manually. The term includes associated equipment
448 necessary to conduct the operation of the contrivance, terminal,
449 machine, or other device. Slot machines may use spinning reels,
450 video displays, or both.

451 (b) If at any time State law authorizes the use of
452 electronic payments systems utilizing credit or debit card
453 payment for the play or operation of slot machines for any
454 person, the Tribe shall be authorized to use such payment
455 systems;

456 2. No limit poker; and

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

461 This definition specifically does not include roulette, craps,
462 roulette-styled games, or craps-styled games.



409112

580-02518A-10

463 F. "Covered Game Employee" or "Covered Employee" means any
464 individual employed and licensed by the Tribe whose
465 responsibilities include the rendering of services with respect
466 to the operation, maintenance, or management of Covered Games,
467 including, but not limited to, the following: managers and
468 assistant managers; accounting personnel; Commission officers;
469 surveillance and security personnel; cashiers, supervisors, and
470 floor personnel; cage personnel; and any other employee whose
471 employment duties require or authorize access to areas of the
472 Facility related to the conduct of Covered Games or the
473 technical support or storage of Covered Game components. This
474 definition does not include the Tribe's elected officials
475 provided that such individuals are not directly involved in the
476 operation, maintenance, or management of Covered Games or
477 Covered Games components.

478 G. "Documents" means books, records, electronic, magnetic
479 and computer media documents and other writings and materials,
480 copies thereof, and information contained therein.

481 H. "Effective Date" means the date on which the Compact
482 becomes effective pursuant to Part XVI., Section A. of this
483 Compact.

484 I. "Facility" or "Facilities" means any building of the
485 Tribe in which the Covered Games authorized by this Compact are
486 conducted on Indian lands as defined by the Indian Gaming
487 Regulatory Act.

488 J. "Guaranteed Minimum Payment" means the minimum payment
489 the Tribe agrees to make to the State as provided by Part XI. of
490 the Compact.

491 K. "Indian Gaming Regulatory Act" or "IGRA" means the



409112

580-02518A-10

492 Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17,
493 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq.,
494 and 18 U.S.C. ss. 1166-1168.

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

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

500 N. "Non-tribal member" means a person who is not a bona
501 fide member of an Indian tribe as defined in 25 U.S.C. s.
502 2703(5).

503 O. "Patron" means any person who is on the premises of a
504 Facility, or who is entering the Tribe's Indian lands for the
505 purpose of playing Covered Games authorized by this Compact.

506 P. "Reservation" means any of the seven Tribal locations
507 currently with gaming facilities, specifically enumerated in
508 Part IV., Section B.

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

512 R. "Revenue Sharing Cycle" means the annual (12-month)
513 period of the Tribe's operation of Covered Games in its
514 Facilities and whose first annual cycle shall commence on the
515 day the Tribe makes Covered Games available for public play in
516 its Facilities.

517 S. "Rules and Regulations" means the rules and regulations
518 promulgated by the Commission for implementation of this
519 Compact.

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



409112

580-02518A-10

521 U. "State Compliance Agency" or "SCA" means the Division of
522 Pari-mutuel Wagering of the Department of Business and
523 Professional Regulation, which is designated as the state agency
524 having the authority to carry out the State's oversight
525 responsibilities under this Compact.

526 V. "Tribe" means the Seminole Tribe of Florida or any
527 affiliate thereof conducting activities pursuant to this Compact
528 under the authority of the Seminole Tribe of Florida.

529
530 PART IV.
531

532 AUTHORIZATION AND LOCATION OF COVERED GAMES.—

533 A. The Tribe and State agree that the Tribe is authorized
534 to operate Covered Games on its Indian lands, as defined in the
535 Indian Gaming Regulatory Act, in accordance with the provisions
536 of this Compact. However, except for the provisions in Part XI.,
537 Section A. below, nothing in this Compact shall limit the
538 Tribe's right to operate any game that is Class II under the
539 Indian Gaming Regulatory Act.

540 B. The Tribe is authorized to conduct Covered Games under
541 this Compact at only the following seven existing gaming
542 facilities on Tribal lands, except as limited by Part III.,
543 Section E., subsection 3.:

544 1. Seminole Indian Casino on the Brighton Indian
545 Reservation in Okeechobee County.

546 2. Seminole Indian Casino in the City of Coconut Creek in
547 Broward County.

548 3. Seminole Indian Casino in the City of Hollywood in
549 Broward County.



409112

580-02518A-10

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

551 5. Seminole Indian Big Cypress Casino in the City of
552 Clewiston in Hendry County.

553 6. Seminole Hard Rock Hotel & Casino in the City of
554 Hollywood in Broward County.

555 7. Seminole Hard Rock Hotel & Casino in the City of Tampa
556 in Hillsborough County.

557 C. Any of the identified Facilities in Section B. may be
558 expanded or replaced by another Facility on the same reservation
559 with advance notice to the State of sixty (60) calendar days,
560 subject to the understanding that the number of existing
561 Facilities on each reservation and the number of reservations
562 upon which Class III gaming is authorized shall remain the same
563 as provided in Section B.

564

565 PART V.

566

567 RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR
568 OPERATIONS.—

569 A. At all times during the term of this Compact, the Tribe
570 shall be responsible for all duties which are assigned to it and
571 the Commission under this Compact. The Tribe shall promulgate
572 any rules and regulations necessary to implement this Compact,
573 which at a minimum shall expressly include or incorporate by
574 reference all provisions of this Part and the procedural
575 requirements of Part VI. of this Compact. Nothing in this
576 Compact shall be construed to affect the Tribe's right to amend
577 its rules and regulations, provided that any such amendment
578 shall be in conformity with this Compact and subject to approval



409112

580-02518A-10

579 by the SCA. The SCA may propose additional rules and regulations
580 consistent with and related to the implementation of this
581 Compact to the Commission at any time, and the Commission shall
582 give good faith consideration to such suggestions and shall
583 notify the SCA of its response or action with respect thereto.

584 B. All Facilities shall comply with, and all Covered Games
585 approved under this Compact shall be operated in accordance
586 with, the requirements set forth in this Compact, including, but
587 not limited to, those set forth in Sections C. and D. of this
588 Part and the Tribe's Internal Control Policies and Procedures.
589 In addition, all Facilities and all Covered Games shall be
590 operated in strict compliance with tribal internal control
591 standards that provide a level of control that equals or exceeds
592 those set forth in the National Indian Gaming Commission's
593 Minimum Internal Control Standards (25 C.F.R. Part 542), as the
594 same may be amended or supplemented from time to time.

595 C. The Tribe and the Commission shall retain all records in
596 compliance with the requirements set forth in the Record
597 Retention Policies and Procedures.

598 D. The Tribe will continue and maintain its program to
599 combat problem gambling and curtail compulsive gambling,
600 including work with the Florida Council on Compulsive Gambling
601 or other organizations dedicated to assisting problem gamblers.
602 The Tribe will continue to maintain the following safeguards
603 against problem gambling:

604 1. The Tribe shall make an annual donation to the Florida
605 Council on Compulsive Gambling in an amount not less than
606 \$250,000 per Facility.

607 2. The Tribe will provide a comprehensive training and



409112

580-02518A-10

608 education program designed in cooperation with the Florida
609 Council on Compulsive Gambling (or other organization dedicated
610 to assisting problem gamblers) to every new gaming employee.

611 3. The Tribe will make printed materials available to
612 Patrons, which include contact information for the Florida
613 Council on Compulsive Gambling 24-Hour Helpline (or other
614 hotline dedicated to assisting problem gamblers), and will work
615 with the Florida Council on Compulsive Gambling (or other
616 organization dedicated to assisting problem gamblers) to provide
617 contact information for the Florida Council on Compulsive
618 Gambling (or other organization dedicated to assisting problem
619 gamblers), and to provide such information on the Facilities'
620 Internet website. The Tribe will continue to display all
621 literature from the Florida Council on Compulsive Gambling (or
622 other organization dedicated to assisting problem gamblers)
623 within the Facilities.

624 4. The Commission shall establish a list of the Patrons
625 voluntarily excluded from the Tribe's Facilities, pursuant to
626 subsection 5.

627 5. The Tribe shall employ its best efforts to exclude
628 Patrons on such list from entry into its Facilities; provided
629 that nothing in this Compact shall create for Patrons who are
630 excluded but gain access to the Facilities, or any other person,
631 a cause of action or claim against the State, the Tribe or the
632 Commission, or any other person, entity, or agency for failing
633 to enforce such exclusion.

634 6. Patrons who believe they may be playing Covered Games on
635 a compulsive basis may request that their names be placed on the
636 list of the Patrons voluntarily excluded from the Tribe's



409112

580-02518A-10

637 Facilities.

638 7. All Covered Game employees shall receive training on
639 identifying players who have a problem with compulsive gambling
640 and shall be instructed to ask them to leave. Signs bearing a
641 toll-free help-line number and educational and informational
642 materials shall be made available at conspicuous locations and
643 automated teller machines in each Facility, which aim at the
644 prevention of problem gaming and which specify where Patrons may
645 receive counseling or assistance for gambling problems. All
646 Covered Game employees shall also be screened for compulsive
647 gambling habits. Nothing in this Section shall create for
648 Patrons, or any other person, a cause of action or claim against
649 the State, the Tribe or the Commission, or any other person,
650 entity, or agency for failing to identify a Patron or person who
651 is a compulsive gambler or ask that person to leave.

652 8. The Tribe shall follow the rules for exclusion of
653 Patrons set forth in Article XI of the Seminole Tribal Gaming
654 Code.

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

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

663 E. Summaries of the rules for playing Covered Games and
664 promotional contests shall be visibly displayed in the
665 Facilities. Complete sets of rules shall be available in the



409112

580-02518A-10

666 Facilities upon request. Copies of all such rules shall be
667 provided to the SCA within thirty (30) calendar days of their
668 issuance or their amendment.

669 F. The Tribe shall provide the Commission and SCA with a
670 chart of the supervisory lines of authority with respect to
671 those directly responsible for the conduct of Covered Games, and
672 shall promptly notify those agencies of any material changes
673 thereto.

674 G. The Tribe engages in and shall continue to maintain
675 proactive approaches to prevent improper alcohol sales, drunk
676 driving, underage drinking, and underage gambling. These
677 approaches involve intensive staff training, screening and
678 certification, Patron education, and the use of security
679 personnel and surveillance equipment in order to enhance
680 Patrons' enjoyment of the Facilities and provide for Patron
681 safety. Staff training includes specialized employee training in
682 nonviolent crisis intervention, driver's license verification,
683 and the detection of intoxication. Patron education is carried
684 out through notices transmitted on valet parking stubs, posted
685 signs in the Facilities, and in brochures. Roving and fixed
686 security officers, along with surveillance cameras, assist in
687 the detection of intoxicated Patrons, investigate problems, and
688 engage with Patrons to de-escalate volatile situations. To help
689 prevent alcohol-related crashes, the Tribe will continue to
690 operate the "Safe Ride Home Program," a free taxi service.
691 Additionally, to reduce risks of underage gambling and underage
692 drinking, the Tribe will continue to prohibit entry onto the
693 casino floor of anyone under twenty-one (21) years of age. The
694 Tribe shall maintain these programs and policies in its Alcohol



409112

580-02518A-10

695 Beverage Control Act for the duration of the Compact but may
696 replace such programs and policies with either stricter or more
697 extensive programs and policies. The Tribe shall provide the
698 State with written notice of any changes to the programs and
699 policies in the Tribe's Alcohol Beverage Control Act, which
700 notice shall include a copy of such changes and shall be sent on
701 or before the effective date of the change. Nothing in this
702 Section shall create for Patrons, or any other person, a cause
703 of action or claim against the State, the Tribe or the
704 Commission, or any other person, entity, or agency for failing
705 to fulfill the requirements of this Section.

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

709 I. The Tribe may establish and operate Facilities that
710 operate Covered Games only on the reservations as defined by the
711 Indian Gaming Regulatory Act and as specified in Part IV. of
712 this Compact.

713 J. The Commission shall keep a record of, and shall report
714 at least quarterly to the SCA, the number of Covered Games in
715 each Facility, by the name or type of each and its identifying
716 number.

717 K. The Tribe and the Commission shall make available a copy
718 of the following documents to any member of the public upon
719 request: the minimum internal control standards of the National
720 Indian Gaming Commission; the Seminole Tribal Gaming Code; this
721 Compact; the rules of each Covered Game operated by the Tribe;
722 and the administrative procedures for addressing Patron tort
723 claims under Part VI.



409112

580-02518A-10

724 L. Cessation of Banking or Banked Card Games. The Tribe
725 shall stop all banked card games occurring on Tribal lands at
726 any existing gaming facility within any county of the State,
727 other than Broward County or Hillsborough County, within ninety
728 (90) days after the date this Compact is executed by the State
729 and the Tribe.

730

731 PART VI.

732

733 PATRON DISPUTES; WORKERS' COMPENSATION; TORT CLAIMS; PRIZE
734 CLAIMS; LIMITED CONSENT TO SUIT.—

735 A. All Patron disputes involving gaming will be resolved in
736 accordance with the procedures established in Article XI of the
737 Seminole Tribal Gaming Code.

738 B. Tort claims by employees of the Tribe's Facilities will
739 be handled pursuant to the provisions of the Tribe's Workers'
740 Compensation Ordinance, which shall provide workers the same or
741 better protections as set forth in Florida's workers'
742 compensation laws.

743 C. Disputes by employees of the Tribe's Facilities will be
744 handled pursuant to the provisions of the Tribe's policy for
745 gaming employees, the Employee Fair Treatment and Dispute
746 Resolution Policy as provided in Part XVIII., Section G.

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

751 2. The Tribe shall have ten (10) days to respond to a claim
752 made by a Patron. When the Tribe responds to an incident alleged



409112

580-02518A-10

753 to have caused a Patron's injury or illness, the Tribe shall
754 provide a claim form to the Patron. It is the Patron's
755 responsibility to complete the form and forward the form to the
756 Tribe's Risk Management Department within a reasonable period of
757 time, and in a reasonable and timely manner.

758 3. Upon receiving written notification of the claim, the
759 Tribe's Risk Management Department shall forward the
760 notification to the Tribe's insurance carrier. The Tribe will
761 use its best efforts to assure that the insurance carrier
762 contacts the Patron within a reasonable period of time following
763 receipt of the claim.

764 4. The insurance carrier will handle the claim to
765 conclusion. If the Patron and the insurance carrier are not able
766 to resolve the claim, the Patron may bring a tort claim against
767 the Tribe in any court of competent jurisdiction in the county
768 in which the incident occurred, subject to a four (4) year
769 statute of limitations, which shall begin to run from the date
770 of the incident of the alleged claimed injury. Nothing in this
771 Part shall preclude a Patron from asserting a tort claim against
772 the Tribe from immediately filing suit in any court of competent
773 jurisdiction in the county where the claim arises without
774 resorting to or exhausting tribal remedies.

775 5. In no event shall the Tribe be deemed to have waived its
776 tribal immunity from suit beyond \$500,000 for an individual tort
777 claim and \$1,000,000 for the tort claims of all persons or
778 entities claiming injury in tort arising out of a single event
779 or occurrence. These limitations are intended to include
780 liability for compensatory damages as well as any costs,
781 prejudgment interest, and attorney's fees arising out of any



409112

580-02518A-10

782 claim brought or asserted against the Tribe, its subordinate
783 governmental and economic units as well as any Tribal officials,
784 employees, servants, or agents in their official capacities.

785 6. The Tribe shall obtain and maintain a commercial general
786 liability policy which provides coverage of no less than
787 \$1,000,000 per occurrence and \$10,000,000 in the aggregate for
788 bodily injury, personal injury, and property damage arising out
789 of, connected with, or relating to the operation of Facilities
790 where Covered Games are offered.

791 7. Notices explaining the procedures and time limitations
792 with respect to making a tort claim shall be prominently
793 displayed in the Facilities, posted on the Tribe's website, and
794 provided to any Patron for whom the Tribe has notice of the
795 injury or property damage giving rise to the tort claim. Such
796 notices shall explain the method and places for making a tort
797 claim.

798 8. The Tribe's insurance policy shall:

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

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

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

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

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409112

580-02518A-10

PART VII.

ENFORCEMENT OF COMPACT PROVISIONS.—

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

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

2. Reasonable measures are taken to:

(a) Assure the physical safety of Facility Patrons, employees, and any other person while in the Facility;

(b) Prevent illegal activity at the Facilities or with regard to the operation of Covered Games, including, but not limited to, the maintenance of employee procedures and a surveillance system;

(c) Ensure prompt notification is given to appropriate law enforcement authorities of persons who may be involved in illegal acts in accordance with applicable law;

(d) Ensure that the construction and maintenance of the Facilities comply with the standards that are at least as



409112

580-02518A-10

840 stringent as the Florida Building Code, the provisions of which
841 the Tribe has adopted as the Seminole Tribal Building Code;

842 (e) Ensure adequate emergency access plans have been
843 prepared to ensure the health and safety of all Covered Game
844 Patrons;

845 (f) Employ, permit, or authorize only medical professionals
846 at its gaming facilities that are licensed by this State;

847 (g) Allow unimpeded access to the gaming facilities by
848 municipal or county emergency medical services; and

849 (h) Ensure, at a minimum, that the environmental
850 requirements of any federal permit will meet the standards
851 established for the State's environmental resource permitting
852 program as provided for in s. 373.414, Florida Statutes.

853 B. All licenses for members and employees of the Commission
854 shall be issued according to the same standards and terms
855 applicable to Facility employees. The Commission's compliance
856 officers shall be independent of the Tribal gaming operations
857 and shall be supervised by and accountable only to the
858 Commission. A Commission compliance officer shall be available
859 to the Facility during all hours of operation upon reasonable
860 notice, and shall have immediate access to any and all areas of
861 the Facility for the purpose of ensuring compliance with the
862 provisions of this Compact. The Commission shall investigate any
863 such suspected or reported violation of this Part and shall
864 officially enter into its files timely written reports of
865 investigations and any action taken thereon, and shall forward
866 copies of such investigative reports to the SCA within 30
867 calendar days of such filing. The scope of such reporting shall
868 be determined by a Memorandum of Understanding between the



409112

580-02518A-10

869 Commission and the SCA as soon as practicable after the
870 Effective Date of this Compact. Any such violations shall be
871 reported immediately to the Commission, and the Commission shall
872 immediately forward the same to the SCA. In addition, the
873 Commission shall promptly report to the SCA any such violations
874 which it independently discovers.

875 C. In order to develop and foster a positive and effective
876 relationship in the enforcement of the provisions of this
877 Compact, representatives of the Commission and the SCA shall
878 meet, not less than on an annual basis, to review past practices
879 and examine methods to improve the regulatory scheme created by
880 this Compact. The meetings shall take place at a location
881 mutually agreed to by the Commission and the SCA. The SCA, prior
882 to or during such meetings, shall disclose to the Commission any
883 concerns, suspected activities, or pending matters reasonably
884 believed to possibly constitute violations of this Compact by
885 any person, organization, or entity, if such disclosure will not
886 compromise the interest sought to be protected.

887
888 PART VIII.

889
890 STATE MONITORING OF COMPACT.—

891 A. The State shall secure an annual independent financial
892 audit of the conduct of Covered Games subject to this Compact.
893 The audit shall examine revenues in connection with the conduct
894 of Covered Games and shall include only those matters necessary
895 to verify the determination of Net Win and the basis and amount
896 of, and the right to, and the amount of the payments the Tribe
897 is obligated to make to the State pursuant to Part XI. of this



409112

580-02518A-10

898 Compact and as defined by this Compact. A copy of the audit
899 report for the conduct of Covered Games shall be submitted to
900 the Commission within thirty (30) calendar days of completion.
901 Representatives of the SCA may, upon request, meet with the
902 Tribe and its auditors to discuss the audit or any matters in
903 connection therewith; provided, such discussions are limited to
904 Covered Games information. The annual independent financial
905 audit shall be performed by an independent accounting firm, with
906 experience in auditing casino operations, selected by the State,
907 subject to the consent of the Tribe, which shall not be
908 unreasonably withheld. The Tribe shall pay the accounting firm
909 for the costs of the annual independent financial audit.

910 B. The SCA shall, pursuant to the provisions of this
911 Compact, monitor the conduct of Covered Games to ensure that the
912 Covered Games are conducted in compliance with the provisions of
913 this Compact. In order to properly monitor the conduct of
914 Covered Games, agents of the SCA without prior notice or with
915 concurrent notice shall have reasonable access to all public
916 areas of the Facilities related to the conduct of Covered Games
917 as provided herein.

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

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

926 3.(a) The Tribe shall permit access to the SCA to inspect



409112

580-02518A-10

927 with at least concurrent notice any Covered Games in operation
928 at the Facilities on a random basis, without limitation as to
929 frequency, to confirm that the Covered Games operate and play
930 properly pursuant to the manufacturer's technical standards and
931 are conducted in compliance with the rules, regulations, and
932 standards established by the Commission and this Compact. Such
933 random inspections shall occur during normal operating hours. No
934 advance notice is required when the SCA inspects public and
935 nonpublic areas of the Facility. However, representatives of the
936 SCA shall provide notice to the Commission of their presence for
937 such inspections. A Commission agent may accompany the
938 inspection.

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

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

944 4. The SCA will seek to work with and obtain the assistance
945 of the Commission in the resolution of any conflicts with the
946 management of the Facilities, and the State and the Tribe shall
947 make their best efforts to resolve disputes through negotiation
948 whenever possible. Therefore, in order to foster a spirit of
949 cooperation and efficiency, the parties hereby agree that when
950 disputes arise between the SCA staff and Commission regulators
951 from the day-to-day regulation of the Facilities, they should
952 generally be resolved first through meeting and conferring in
953 good faith. This voluntary process does not proscribe the right
954 of either party to seek other relief that may be available when
955 circumstances require such relief. In the event of a dispute or



409112

580-02518A-10

956 disagreement between Tribal and SCA regulators, the dispute or
957 disagreement shall be resolved in accordance with the dispute
958 resolution provisions of Part XIII. of this Compact.

959 5. Access to each Facility by the SCA shall be during the
960 Facility's operating hours only, provided that to the extent
961 such inspections are limited to areas of the Facility where the
962 public is normally permitted, the SCA agents may inspect the
963 Facility without giving prior notice to the Tribe or the
964 Commission.

965 6. Any suspected or claimed violations of this Compact or
966 law shall be directed in writing to the Commission; the SCA
967 agents, in conducting the functions assigned them under this
968 Compact, shall not unreasonably interfere with the functioning
969 of any Facility.

970 7. Before the SCA agents enter any nonpublic area of a
971 Facility, they shall provide photographic identification to the
972 Commission. The SCA agents shall be accompanied in nonpublic
973 areas of the Facility by a Commission officer. Prior notice or
974 concurrent notice by the SCA to the Commission is required to
975 assure that a Commission officer is available to accompany the
976 SCA agents at all times.

977 8. There is no limit to the number of times or
978 opportunities that the SCA may inspect any Covered Games or
979 gaming devices in operation at a Facility on a random basis to
980 confirm that the operation and play of the games or devices
981 conform to manufacturer's technical standards or to the
982 standards specified in the Compact.

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



409112

580-02518A-10

985 10. All gaming machines on the premises of each Facility
986 will be connected to a central computerized reporting and
987 auditing system on the gaming facility premises. The system
988 shall:

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

991 (b) Provide access to the State by a dedicated
992 telecommunications connection, on a "read-only" basis, upon
993 entry of appropriate security codes, and permit access to and
994 downloads of the wager and payout data of each machine,
995 electronically captured by the central computer. However, the
996 Compact may not authorize the State to alter or affect the
997 operation of any gaming machine or other device on the premises
998 of the authorized gaming facility or the data provided to the
999 central computer.

1000 (c) Be constructed and installed at the Tribe's expense to
1001 provide electronic access to the State for the machine wager and
1002 payout data collected by the central computer.

1003 (d) Be designed in conjunction with the State and the
1004 Tribe's technical staff so as to preserve the integrity of the
1005 system and the data contained therein, to minimize any
1006 possibility of unauthorized access to the system or tampering
1007 with the data, and to minimize any access by the State to
1008 information other than machine wager and payout data residing in
1009 the central reporting and auditing system.

1010 C. Subject to the provisions herein, agents of the SCA
1011 shall have the right to review, request, and receive copies of
1012 documents of the Facility related to its conduct of Covered
1013 Games. The review and copying of such documents shall be during



409112

580-02518A-10

1014 normal business hours unless otherwise allowed by the Tribe at
1015 the Tribe's discretion. The Tribe shall not refuse said
1016 inspection and copying of such documents, provided that the
1017 inspectors may not require copies of documents in such volume
1018 that it unreasonably interferes with the normal functioning of
1019 the Facilities or Covered Games. To the extent that the Tribe
1020 provides the State with information which the Tribe claims to be
1021 confidential and proprietary, or a trade secret, the Tribe shall
1022 clearly mark such information with the following designation:
1023 "Trade Secret, Confidential and Proprietary." If the State
1024 receives a request under Chapter 119, Florida Statutes, that
1025 would include such designated information, the State shall
1026 promptly notify the Tribe of such a request. The SCA may provide
1027 copies of tribal documents to federal law enforcement and other
1028 State agencies or State consultants that the State deems
1029 reasonably necessary in order to conduct or complete any
1030 investigation of suspected criminal activity in connection with
1031 the Tribe's Covered Games or the operation of the Facilities or
1032 in order to assure the Tribe's compliance with this Compact.

1033 D. At the completion of any SCA inspection or
1034 investigation, the SCA may forward a written report thereof to
1035 the Commission, containing all pertinent, nonconfidential,
1036 nonproprietary information regarding any violation of applicable
1037 laws or this Compact which was discovered during the inspection
1038 or investigation unless disclosure thereof would adversely
1039 impact an investigation of suspected criminal activity. Nothing
1040 herein prevents the SCA from contacting tribal or federal law
1041 enforcement authorities for suspected criminal wrongdoing
1042 involving the Commission.



409112

580-02518A-10

1043 E. Except as expressly provided in this Compact, nothing in
1044 this Compact shall be deemed to authorize the State to regulate
1045 the Tribe's government, including the Commission, or to
1046 interfere in any way with the Tribe's selection of its
1047 governmental officers, including members of the Commission.
1048

1049 PART IX.
1050

1051 JURISDICTION.—The obligations and rights of the State and
1052 the Tribe under this Compact are contractual in nature, and are
1053 to be construed and enforced in accordance with the laws of the
1054 State of Florida. This Compact shall not alter tribal, federal,
1055 or state civil adjudicatory or criminal jurisdiction in any way.
1056

1057 PART X.
1058

1059 LICENSING.—The Tribe and the Commission shall comply with
1060 the licensing and hearing requirements set forth in 25 C.F.R.
1061 Parts 556 and 558, as well as the applicable licensing and
1062 hearing requirements set forth in Articles IV-VI of the Seminole
1063 Tribal Gaming Code. The Commission shall notify the SCA of any
1064 disciplinary hearings or revocation or suspension of licenses.
1065

1066 PART XI.
1067

1068 PAYMENTS TO THE STATE OF FLORIDA.—

1069 A. The parties acknowledge and recognize that this Compact
1070 provides the Tribe with partial but substantial exclusivity and
1071 other valuable consideration consistent with the goals of the



409112

580-02518A-10

1072 Indian Gaming Regulatory Act, including special opportunities
1073 for tribal economic development through gaming within the
1074 external boundaries of Florida with respect to the play of
1075 Covered Games. In consideration thereof, the Tribe covenants and
1076 agrees, subject to the conditions agreed upon in Part XII. of
1077 this Compact, to make payments to the State derived from Net Win
1078 as set forth in Section B. The Tribe further agrees to convert
1079 all of its Class II video bingo terminals (or their equivalents)
1080 to Class III slot machines within twenty-four (24) months after
1081 the Effective Date of this Compact, or the payment to the State
1082 shall be calculated as if the conversion has been completed,
1083 whether or not the Tribe has fully executed its conversion. The
1084 Tribe further agrees that it will not purchase or lease any new
1085 Class II video bingo terminals (or their equivalents) after the
1086 Effective Date of this Compact.

1087 B. Payment schedule.—Subject to the provisions in this Part
1088 of the Compact, and subject to the limitations agreed upon in
1089 Part XII. of the Compact, the amounts paid by the Tribe to the
1090 State shall be calculated as follows:

1091 1. For each Revenue Sharing Cycle, the Tribe agrees to pay
1092 not less than a Guaranteed Minimum Payment of One Hundred Fifty
1093 Million Dollars (\$150,000,000) if the Revenue Share calculated
1094 for that Revenue Sharing Cycle under subsection 3., below, is
1095 less than the Guaranteed Minimum Payment.

1096 2. All Guaranteed Minimum Payments shall be deducted from
1097 and credited toward the Revenue Share in each Revenue Sharing
1098 Cycle set forth below in subsection 3.

1099 3. For each Revenue Sharing Cycle, to the extent that the
1100 Revenue Share exceeds the Guaranteed Minimum Payment for each



409112

580-02518A-10

1101 Revenue Sharing Cycle, the Tribe agrees, as further provided in
1102 subsection 4., to pay a Revenue Share for that Revenue Sharing
1103 Cycle equal to the total amount calculated from the operation
1104 and play of Covered Games from each Revenue Sharing Cycle as
1105 follows:

1106 (a) Twelve percent (12%) of all amounts up to Two and one-
1107 half Billion Dollars (\$2,500,000,000) of Net Win received by the
1108 Tribe from the operation and play of Covered Games from each
1109 Revenue Sharing Cycle;

1110 (b) Fifteen percent (15%) of all amounts between Two and
1111 one-half Billion and One Dollars (\$2,500,000,001) and Three
1112 Billion Dollars (\$3,000,000,000) of Net Win received by the
1113 Tribe from the operation and play of Covered Games from each
1114 Revenue Sharing Cycle;

1115 (c) Twenty percent (20%) of all amounts between Three
1116 Billion and One Dollars (\$3,000,000,001) and Four Billion
1117 Dollars (\$4,000,000,000) of Net Win received by the Tribe from
1118 the operation and play of Covered Games from each Revenue
1119 Sharing Cycle;

1120 (d) Twenty-two and one-half percent (22.5%) of all amounts
1121 between Four Billion and One Dollars (\$4,000,000,001) and Four
1122 and one-half Billion Dollars (\$4,500,000,000) of Net Win
1123 Received by the Tribe from the operation and play of Covered
1124 Games from each Revenue Sharing Cycle; and

1125 (e) Twenty-five percent (25%) of all amounts over Four and
1126 one-half Billion Dollars (\$4,500,000,000) of Net Win received by
1127 the Tribe from the operation and play of Covered Games from each
1128 Revenue Sharing Cycle.

1129 4. (a) On or before the fifteenth day of the month following



409112

580-02518A-10

1130 the first month of the Revenue Sharing Cycle, the Tribe will
1131 remit to the State the greater amount of eight and one-third
1132 percent (8.3%) of the estimated annual Revenue Share or eight
1133 and one-third percent (8.3%) of the Guaranteed Minimum Payment
1134 ("the monthly payment").

1135 (b) The Tribe will make available to the State at the time
1136 of the monthly payment the basis for the calculation of the
1137 payment.

1138 (c) Each month the Tribe will internally "true up" the
1139 calculation of the estimated Revenue Share based on the Tribe's
1140 unaudited financial statements related to Covered Games.

1141 5. (a) On or before the forty-fifth day after the third
1142 month, sixth month, ninth month, and twelfth month of each
1143 Revenue Sharing Cycle, provided that the twelve (12) month
1144 period does not coincide with the Tribe's fiscal year end date
1145 as indicated in paragraph (c), the Tribe will provide the State
1146 with an audit report by its independent auditors as to the
1147 accuracy of the annual Revenue Share calculation.

1148 (b) For each quarter of these Revenue Sharing Cycles the
1149 Tribe will engage its independent auditors to conduct a review
1150 of the unaudited net revenue from Covered Games. On or before
1151 the one hundred and twentieth day after the end of the Tribe's
1152 fiscal year, the Tribe will require its independent auditors to
1153 provide an audit report to verify Net Win for Covered Games and
1154 the related payment of the annual Revenue Share to the SCA for
1155 State review.

1156 (c) If the twelfth month of each Revenue Sharing Cycle does
1157 not coincide with the Tribe's fiscal year, the Tribe will
1158 require its independent auditors to deduct Net Win from Covered



409112

580-02518A-10

1159 Games for any of the months that are outside of the Revenue
1160 Sharing Cycle and to include Net Win from Covered Games for
1161 those months which fall outside of the Tribe's audit period but
1162 fall within the Revenue Sharing Cycle, prior to issuing the
1163 audit report.

1164 (d) No later than thirty (30) calendar days after the day
1165 the audit report is issued, the Tribe will remit to the State
1166 any underpayment of the annual Revenue Share, and the State at
1167 its discretion will either reimburse to the Tribe any
1168 overpayment of the annual Revenue Share or authorize the
1169 overpayment to be deducted from the next monthly payment.

1170 C. Payments pursuant to Sections A. and B. above shall be
1171 made to the State via electronic funds transfer in a manner
1172 directed by the SCA for immediate transfer into the Educational
1173 Enhancement Trust Fund of the Department of Education. Payments
1174 will be due in accordance with the payment schedule set forth in
1175 Section B. The appropriation of any payments received by the
1176 State pursuant to this Compact lies within the exclusive
1177 prerogative of the Legislature.

1178 D. The Annual Oversight Assessment to reimburse the State
1179 for the actual costs of the operation of the SCA to perform its
1180 monitoring functions as defined in this Compact shall be
1181 determined and paid in quarterly installments within thirty (30)
1182 calendar days of receipt by the Tribe of an invoice from the
1183 SCA. The Tribe reserves the right to audit the invoices on an
1184 annual basis, a copy of which will be provided to the SCA, and
1185 any discrepancies found therein shall be reconciled within
1186 forty-five (45) calendar days of receipt of the audit by the
1187 SCA. Out-of-pocket expenses to be incurred by the Governor or



409112

580-02518A-10

1188 his designee performing functions of the SCA unless and until
1189 the SCA is designated by the Legislature shall be advanced by
1190 the Tribe upon submission of properly documented requests.

1191 E. As provided for 25 U.S.C. s. 2710(b)(2)(B)(v), the Tribe
1192 agrees to pay to the State an additional amount equal to three
1193 percent (3%) of the annual amount set forth in Section B. of
1194 this Part, which funds shall be used for the purposes of
1195 offsetting the impacts of the Tribe's Facilities on the
1196 operations of local governments.

1197 F. Any moneys remitted by the Tribe before the Effective
1198 Date of this Compact shall be deemed forfeited by the Tribe and
1199 released to the State without further obligation or encumbrance.
1200 Acceptance and appropriation of such funds does not legitimize,
1201 validate, or otherwise ratify any previously proposed compact or
1202 the operation of Class III games by the Tribe for any period
1203 prior to the Effective Date of this Compact.

1204 G. Except as expressly provided in this Part, nothing in
1205 this Compact shall be deemed to require the Tribe to make
1206 payments of any kind to the State or any of its agencies.

1207
1208 PART XII.
1209

1210 REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY
1211 OR OTHER CHANGES IN FLORIDA LAW.—The intent of this Part is to
1212 provide the Tribe with the right to operate Covered Games on an
1213 exclusive basis as provided in this Compact, subject to the
1214 exceptions and provisions set forth below.

1215 A. If Class III gaming as defined in this Compact that is
1216 not presently authorized by or under Florida law is authorized



409112

580-02518A-10

1217 for any location within the State of Florida that is under the
1218 jurisdiction of the State and Tribal Net Win plus revenues from
1219 its remaining Class II video bingo terminals (or their
1220 equivalents) within its Facilities statewide drops below \$1.37
1221 billion, the payments due the State pursuant to Part XI.,
1222 Sections A. and B. of this Compact shall be reduced based on the
1223 proportion of Net Win below \$1.37 billion. The payments due the
1224 State pursuant to Part XI., Sections A. and B. of this Compact
1225 shall resume in full if the Tribe's annual Net Win plus revenues
1226 from its remaining Class II video bingo terminals (or their
1227 equivalents) within its Facilities statewide again reaches or
1228 exceeds \$1.37 billion.

1229 B. The following are exceptions to the exclusivity
1230 provisions of Section A. above.

1231 1. Any Class III gaming authorized by a compact between the
1232 State and any other federally recognized tribe pursuant to the
1233 Indian Gaming Regulatory Act will not be a breach or other
1234 violation of the exclusivity provisions set forth in Section A.
1235 above.

1236 2. The conduct of illegal or otherwise unauthorized gaming
1237 within the State shall not be considered a breach or other
1238 violation of the exclusivity provisions set forth in Section A.
1239 above.

1240 3. Any Class III slot machine gaming authorized after the
1241 Effective Date of this Compact for pari-mutuel facilities in
1242 Miami-Dade County or Broward County will not be a breach or
1243 violation of the exclusivity provisions set forth in Section A.
1244 above.

1245 4. Any historic racing machines, electronic bingo machines,



409112

580-02518A-10

1246 and pari-mutuel wagering activities at licensed pari-mutuel
1247 facilities authorized after the Effective Date of this Compact
1248 will not be a breach or violation of the exclusivity provisions
1249 set forth in Section A. above.

1250 C. Revenue sharing by the Tribe may not be reduced or
1251 eliminated by the existence of any gaming activities being
1252 conducted in Florida at the time this Compact is ratified which
1253 are illegal or are of unsettled legal status.

1254 D. If the Florida Constitution is amended to repeal the
1255 slot machine amendment in s. 23, Art. X of the State
1256 Constitution, the Legislature authorizes the Seminoles to
1257 continue to offer the play of Covered Games under the terms of
1258 the Compact authorized pursuant to this Section during the
1259 remainder of the term of the Compact.

1260 E. To the extent that the Tribe's ongoing payment
1261 obligations to the State pursuant to Part XI., Sections A. and
1262 B. of this Compact are reduced, any outstanding payments that
1263 would have been due the State from the Tribe's Facilities prior
1264 to the event authorizing the reduction shall be made within
1265 thirty (30) business days after cessation.

1266 F. Any reduction of payments authorized under this Compact
1267 shall not excuse the Tribe from continuing to comply with all
1268 other provisions of this Compact, including continuing to pay
1269 the State the Annual Oversight Assessment as set forth in Part
1270 XI., Section ~~D.C.~~ of this Compact. Furthermore, the State shall
1271 continue to have the right to monitor the Tribe's compliance
1272 with the Compact.

1273 G. In the event that revenue sharing payments to the State
1274 made pursuant to Part XI., Sections A. and B. are reduced under



409112

580-02518A-10

1275 this Part, the annual amount payable to the State for the
1276 impacts to local governments under Part XI., Section E. shall be
1277 calculated as the amount paid for the last full revenue sharing
1278 year. Such payments shall continue to be calculated in such
1279 manner until the revenue sharing payments under Part XI.,
1280 Sections A. and B. are restored.

1281 H. Nothing in this Compact is intended to affect the
1282 ability of the State Legislature to enact laws either further
1283 restricting or expanding gambling on non-tribal lands.

1284

1285 PART XIII.

1286

1287 DISPUTE RESOLUTION.—In the event that either party to this
1288 Compact believes that the other party has failed to comply with
1289 any requirements of this Compact, or in the event of any dispute
1290 hereunder, including, but not limited to, a dispute over the
1291 proper interpretation of the terms and conditions of this
1292 Compact, the goal of the parties is to resolve all disputes
1293 amicably and voluntarily whenever possible. In pursuit of this
1294 goal, the following procedures may be invoked:

1295 A. A party asserting noncompliance or seeking an
1296 interpretation of this Compact first shall serve written notice
1297 on the other party. The notice shall identify the specific
1298 Compact provision alleged to have been violated or in dispute
1299 and shall specify in detail the asserting party's contention and
1300 any factual basis for the claim. Representatives of the Tribe
1301 and State shall meet within thirty (30) calendar days of receipt
1302 of notice in an effort to resolve the dispute, unless they
1303 mutually agree to extend this period.



409112

580-02518A-10

1304 B. A party asserting noncompliance or seeking an
1305 interpretation of this Compact under this Part shall be deemed
1306 to have certified that to the best of the party's knowledge,
1307 information, and belief formed after reasonable inquiry, the
1308 claim of noncompliance or the request for interpretation of this
1309 Compact is warranted and made in good faith and not for any
1310 improper purpose, such as to harass or to cause unnecessary
1311 delay or the needless incurring of the cost of resolving the
1312 dispute.

1313 C. If the parties are unable to resolve a dispute through
1314 the process specified in Sections A. and B. of this Part, the
1315 parties may agree to mediation under the Commercial Mediation
1316 Procedures of the American Arbitration Association (AAA), or any
1317 such successor procedures, provided that such mediation does not
1318 last more than sixty (60) calendar days, unless an extension to
1319 this time limit is mutually agreed to by the parties. The
1320 disputes available for resolution through mediation are limited
1321 to matters arising under the terms of this Compact.

1322 D. If the parties are unable to resolve a dispute through
1323 the process specified in Sections A., B., and C. of this Part,
1324 notwithstanding any other provision of law, the State may bring
1325 an action against the Tribe in any court of competent
1326 jurisdiction regarding any dispute arising under this Compact.
1327 The State is entitled to all remedies available under law or in
1328 equity.

1329 E. For purposes of actions based on disputes between the
1330 State and the Tribe that arise under this Compact and the
1331 enforcement of any judgment resulting therefore, the Tribe
1332 expressly waives its right to assert sovereign immunity from



409112

580-02518A-10

1333 suit and from enforcement of any ensuing judgment, and further
1334 consents to be sued in federal or state court, including the
1335 rights of appeal, as the case may be, provided that (i) the
1336 dispute is limited solely to issues arising under this Compact,
1337 (ii) there is no claim for monetary damages (except that payment
1338 of any money required by the terms of this Compact, as well as
1339 injunctive relief or specific performance enforcing a provision
1340 of this Compact requiring the payment of money to the State may
1341 be sought), and (iii) nothing herein shall be construed to
1342 constitute a waiver of the sovereign immunity of the Tribe with
1343 respect to any third party that is made a party or intervenes as
1344 a party to the action.

1345 F. The State may not be precluded from pursuing any
1346 mediation or judicial remedy against the Tribe on the grounds
1347 that the State has failed to exhaust its Tribal administrative
1348 remedies.

1349 G. Notwithstanding anything to the contrary in this Part,
1350 any failure of the Tribe to remit the payments pursuant to the
1351 terms of Part XI. will entitle the State to seek mandatory
1352 injunctive relief in federal or state court, at the State's
1353 election, to compel the payments after exhausting the dispute
1354 resolution process in Sections A. and B. of this Part.

1355 H. The State shall be entitled to seek immediate injunctive
1356 relief in the event the Tribe offers or continues to offer Class
1357 III games not authorized under this Compact.

1358 I. Notwithstanding any other provision of law to the
1359 contrary, if the parties are unable to resolve a dispute through
1360 the process specified in Sections A., B., and C., of this Part,
1361 provided that the State does not exercise its option to file an



409112

580-02518A-10

1362 action against the Tribe under Section D., either party may
1363 invoke presuit nonbinding arbitration to resolve any dispute
1364 between the parties arising under the Compact.

1365 1. The party demanding the presuit nonbinding arbitration
1366 shall immediately ask the American Arbitration Association to
1367 furnish a list of 11 arbitrators, each of whom shall have at
1368 least 5 years of commercial arbitration experience and no
1369 financial interest in or prior relationship with any of the
1370 parties or their affiliated or related entities or principals.

1371 2. The State and the Tribe shall each select a single
1372 arbitrator from the list provided by the American Arbitration
1373 Association within 10 days after receipt, and the individuals so
1374 selected shall choose one additional arbitrator from the list
1375 within the next 10 days. The three arbitrators selected shall
1376 constitute the panel that shall arbitrate the dispute between
1377 the parties pursuant to the American Arbitration Association
1378 Commercial Arbitration Rules and Chapter 682, Florida Statutes.

1379 3. At the conclusion of the proceedings, which shall be no
1380 later than 90 days after the demand for arbitration, the
1381 arbitration panel shall present to the parties a proposed
1382 agreement that the majority of the panel believes equitably
1383 balances the rights, interests, obligations, and reasonable
1384 expectations of the parties.

1385 4. The parties shall, within 10 days after the arbitration
1386 panel's issuance of the proposed agreement, enter into such
1387 agreement or notify the opposing party of its intent to reject
1388 the agreement and proceed with a lawsuit to resolve the dispute.

1389 5. Each party shall pay its respective costs of arbitration
1390 and shall pay one-half of the costs of the arbitration panel.



409112

580-02518A-10

1391 6. The arbitrator's decision may not be enforced in any
1392 court.

1393 J. If the arbitrator finds that the State is not in
1394 compliance with the Compact, the State shall have the
1395 opportunity to challenge the decision of the arbitrators by
1396 bringing an independent action against the Tribe in federal
1397 district court ("federal court") regarding the dispute
1398 underlying the arbitration in a district in which the federal
1399 court has venue. If the federal court declines to exercise
1400 jurisdiction, or federal precedent exists that rules that the
1401 federal court would not have jurisdiction over such a dispute,
1402 the State may bring the action in the Courts of the Seventeenth
1403 Judicial Circuit in and for Broward County, Florida. The State
1404 is entitled to all rights of appeal permitted by law in the
1405 court system in which the action is brought. The State shall be
1406 entitled to de novo review of the arbitrators' decision under
1407 this Section. For the purpose of this Section, the Tribe agrees
1408 to waive its immunity as provided in Section E. of this Part.

1409

1410 PART XIV.

1411

1412 CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

1413 A. If any provision of this Compact relating to the Covered
1414 Games, revenue sharing payments, suspension or reduction of
1415 payments, or exclusivity is held by a court of competent
1416 jurisdiction to be invalid, this Compact will become null and
1417 void. If any provision, part, section, or subsection of this
1418 Compact is determined by a federal district court in Florida or
1419 other court of competent jurisdiction to impose a mandatory duty



409112

580-02518A-10

1420 on the State of Florida that requires authorization by the
1421 Florida Legislature, the duty conferred by that particular
1422 provision, part, section, or subsection shall no longer be
1423 mandatory but will be deemed to be a matter within the
1424 discretion of the Governor or other State officers, subject to
1425 such legislative approval as may be required by Florida law.

1426 B. It is understood that Part XII. of this Compact, which
1427 provides for a reduction of the payments to the State under Part
1428 XI., does not create any duty on the State of Florida but only a
1429 remedy for the Tribe if Class III gambling under state
1430 jurisdiction is expanded by operation of law and Tribal Net Win
1431 falls below \$1.37 billion.

1432 C. This Compact is intended to meet the requirements of the
1433 Indian Gaming Regulatory Act as it reads on the Effective Date
1434 of this Compact, and where reference is made to the Indian
1435 Gaming Regulatory Act, or to an implementing regulation thereof,
1436 the reference is deemed to have been incorporated into this
1437 document as if set in full. Subsequent changes to the Indian
1438 Gaming Regulatory Act that diminish the rights of the State or
1439 Tribe may not be applied retroactively to alter the terms of
1440 this Compact, except to the extent that federal law validly
1441 mandates that retroactive application without the respective
1442 consent of the State or Tribe. In the event that a subsequent
1443 change to the Indian Gaming Regulatory Act, or to an
1444 implementing regulation thereof, mandates the retroactive
1445 application without the respective consent of the State or
1446 Tribe, the parties agree that this Compact is void if the
1447 subsequent change materially alters the minimum terms and
1448 standards in the Compact relating to the Covered Games, revenue



409112

580-02518A-10

1449 sharing payments, suspension or reduction of payments, or
1450 exclusivity.

1451 D. Neither the presence in another tribal-state compact of
1452 language that is not included in this Compact, nor the absence
1453 in this Compact of language that is present in another tribal-
1454 state compact shall be a factor in construing the terms of this
1455 Compact.

1456 E. Upon Legislative ratification, the parties shall
1457 cooperate and use their best efforts in seeking approval of this
1458 Compact from the Secretary of the Interior and the parties
1459 further agree that, upon ratification by the Legislature, the
1460 Tribe shall submit the Compact to the Secretary forthwith.

1461
1462 PART XV.

1463
1464 NOTICES.—All notices required under this Compact shall be
1465 given by (i) certified mail, return receipt requested, (ii)
1466 commercial overnight courier service, or (iii) personal
1467 delivery, to the following persons:

- 1468 A. The Governor.
- 1469 B. The General Counsel to the Governor.
- 1470 C. The Chair of the Seminole Tribe of Florida.
- 1471 D. The General Counsel to the Seminole Tribe of Florida.

1472
1473 PART XVI.

1474
1475 EFFECTIVE DATE AND TERM.—

1476 A. This Compact shall become effective upon ratification by
1477 the Legislature and subsequent approval of the Compact by the



409112

580-02518A-10

1478 Secretary of the Interior as a tribal-state compact within the
1479 meaning of the Indian Gaming Regulatory Act either by
1480 publication of the notice of approval in the Federal Register or
1481 by operation of law under 25 U.S.C. s. 2710(d) (8) ~~(7)~~ (C).

1482 B. This Compact shall have a term of fifteen (15) years,
1483 beginning on the first day of the month following the month in
1484 which the Compact becomes effective under Section A. of this
1485 Part. This Compact shall remain in full force and effect until
1486 the sooner of expiration of its terms or until terminated by
1487 mutual agreement of the parties.

1488

1489 PART XVII.

1490

1491 AMENDMENT OF COMPACT AND REFERENCES.—

1492 A. Amendment of this Compact may only be made by written
1493 agreement of the parties, subject to approval by the Secretary
1494 either by publication of the notice of approval in the Federal
1495 Register or by operation of law under 25 U.S.C. s.
1496 2710(d) (8) ~~(7)~~ (C).

1497 B. Legislative ratification is required for any amendment
1498 to the Compact that is not consistent with the terms and
1499 standards set forth in ss. 285.710 and 285.711, Florida
1500 Statutes, or that alters the provisions relating to the Covered
1501 Games, the amount of revenue sharing payments, suspension or
1502 reduction in payments, or exclusivity.

1503 C. Changes in the provisions of tribal ordinances,
1504 regulations, and procedures referenced in this Compact may be
1505 made by the Tribe with thirty (30) calendar days' advance notice
1506 to the State. If the State has an objection to any change to the



409112

580-02518A-10

1507 tribal ordinance, regulation, or procedure which is the subject
1508 of the notice on the ground that its adoption would be a
1509 violation of the Tribe's obligations under this Compact, the
1510 State may invoke the dispute resolution provisions provided in
1511 Part XIII. of this Compact.

1512

1513 PART XVIII.

1514

1515 MISCELLANEOUS.—

1516 A. Except to the extent expressly provided in this Compact,
1517 this Compact is not intended to, and shall not be construed to,
1518 create any right on the part of a third party to bring an action
1519 to enforce any of its terms.

1520 B. If, after the Effective Date of this Compact, the State
1521 enters into a compact with any other Tribe that contains more
1522 favorable terms with respect to any of the provisions of this
1523 Compact and the U.S. Secretary of the Interior approves such
1524 compact, either by publication of the notice of approval in the
1525 Federal Register or by operation of law under 25 U.S.C. s.
1526 2710(d) (8) ~~(7)~~ (C), upon tribal notice to the State and the
1527 Secretary, this Compact shall be deemed amended to contain the
1528 more favorable terms, unless the State objects to the change and
1529 can demonstrate, in a proceeding commenced under Part XIII.,
1530 that the terms in question are not more favorable.

1531 C. Upon the occurrence of certain events beyond the Tribe's
1532 control, including acts of God, war, terrorism, fires, floods,
1533 or accidents causing damage to or destruction of one or more of
1534 its Facilities or property necessary to operate the
1535 Facility(ies), (i) the Tribe's obligation to pay the Guaranteed



409112

580-02518A-10

1536 Minimum Payment described in Part XI. shall be reduced pro rata
1537 to reflect the percentage of the total Net Win lost to the Tribe
1538 from the impacted Facility(ies) and (ii) the Net Win specified
1539 under Part XI., Section B., for purposes of determining whether
1540 the Tribe's payments described in Part XI. shall be reduced pro
1541 rata to reflect the percentage of the total Net Win lost to the
1542 Tribe from the impacted Facility(ies). The foregoing shall not
1543 excuse any obligations of the Tribe to make payments to the
1544 State as and when required hereunder or in any related document
1545 or agreement.

1546 D. The Tribe and the State recognize that opportunities to
1547 engage in gaming in smoke-free or reduced-smoke environments
1548 provides both health and other benefits to Patrons, and the
1549 Tribe has already instituted a non-smoking section at its
1550 Seminole Hard Rock Hotel & Casino-Hollywood Facility. As part of
1551 its continuing commitment to this issue, the Tribe will:

1552 1. Install and utilize a ventilation system at all new
1553 construction at its Facilities, which system exhausts tobacco
1554 smoke to the extent reasonably feasible under existing state-of-
1555 the-art technology;

1556 2. Designate a smoke-free area for slot machines at all new
1557 construction at its Facilities; and

1558 3. Install non-smoking, vented tables for table games in
1559 its Facilities sufficient to respond to demand for such tables.

1560 E. The annual average minimum pay-out of all slot machines
1561 in each Facility shall not be less than eighty-five percent
1562 (85%).

1563 F. Nothing in this Compact shall alter any of the existing
1564 memoranda of understanding, contracts, or other agreements



409112

580-02518A-10

1565 entered into between the Tribe and any other federal, state, or
1566 local governmental entity.

1567 G. The Tribe currently has as set forth in its Employee
1568 Fair Treatment and Dispute Resolution Policy, and agrees to
1569 maintain, standards that are comparable to the standards
1570 provided in federal laws and State laws forbidding employers
1571 from discrimination in connection with the employment of persons
1572 working at the Facilities on the basis of race, color, religion,
1573 national origin, gender, age, disability/handicap, or marital
1574 status. Nothing herein shall preclude the Tribe from giving
1575 preference in employment, promotion, seniority, lay-offs, or
1576 retention to members of the Tribe and other federally recognized
1577 tribes. The Tribe will comply with all federal and state labor
1578 laws, where applicable. The Tribe shall provide a process for
1579 employee disputes which permits the employee to be represented
1580 by an attorney or other legally authorized representative. The
1581 process shall permit the employee to use language interpreters,
1582 including interpreters for the deaf or hard of hearing.

1583 H. The Tribe agrees to use its best efforts to spend its
1584 revenue in this state to acquire goods and services from
1585 Florida-based vendors, professionals, and material and service
1586 providers.

1587 Section 3. Part II of chapter 551, Florida Statutes,
1588 consisting of sections 551.501, 551.502, 551.503, 551.504,
1589 551.505, 551.506, 551.507, 551.508, 551.509, 551.510, 551.511,
1590 551.512, 551.513, 551.514, 551.515, 551.516, 551.517, 551.518,
1591 551.519, 551.520, 551.521, 551.522, and 551.523, Florida
1592 Statutes, is created to read:

1593 PART II



409112

580-02518A-10

ELECTRONIC GAMING MACHINES

1594
1595 551.501 Legislative findings.—The Legislature finds that
1596 the pari-mutuel industry has played an important part in the
1597 development of this state and that it is a vital part of the
1598 state's economy. The Legislature also recognizes that many
1599 individuals and small businesses provide services to the pari-
1600 mutuel industry and rely upon the continued vigor of the
1601 industry to survive. The pari-mutuel industry and these
1602 individuals and small businesses employ many Floridians, pay a
1603 variety of taxes to support state and local governmental
1604 activities, and contribute to the economy of this state. Given
1605 the important role played by the industry, and the individuals
1606 and small businesses associated with it, as well as the current
1607 state of the economy in the United States in general and in
1608 Florida in particular, the Legislature finds that in order to
1609 preserve the industry, to ensure continued employment for many
1610 Floridians, and to preserve and improve the state's revenues,
1611 measures must be taken to eliminate unnecessary regulations,
1612 encourage business and regulatory efficiency, reduce unnecessary
1613 tax burdens, and increase revenues to the state.

1614 551.502 Electronic gaming machines authorized.—An
1615 electronic gaming machine licensee may possess electronic gaming
1616 machines and operate electronic gaming machines at an eligible
1617 facility, as defined by s. 551.503, where the licensee is
1618 authorized to conduct pari-mutuel wagering activities under
1619 chapter 550. Notwithstanding any other provision of law, it is
1620 not a crime for a person to participate in electronic gaming at
1621 a facility licensed to possess electronic gaming machines or to
1622 operate electronic gaming machines.



409112

580-02518A-10

1623 551.503 Definitions.—As used in this part, the term:
1624 (1) "Bingo" or "game of bingo" means the game of chance
1625 commonly known as "bingo," which may include the use of
1626 electronic, computer, or other technological aids. Such aids may
1627 include entertainment displays, including spinning reels, video
1628 displays, associated bonus displays, and video poker. The game
1629 of bingo requires at least two live players competing for a
1630 common prize. The prizes result from a random draw or electronic
1631 determination and release or announcement of numbers or other
1632 designations necessary to form the predesignated game-winning
1633 pattern on an electronic bingo card. A game of bingo ends when a
1634 player receives a predesignated game-winning pattern and
1635 consolation prizes, if any, are awarded. The game of bingo does
1636 not include house-banked games or electronic or
1637 electromechanical facsimiles of any other game of chance or slot
1638 machine of any kind.
1639 (2) "Bonus prize" means a prize awarded in a bingo game in
1640 addition to the game-winning prize. The term includes prizes
1641 based on predesignated and preannounced patterns that differ
1642 from the game-winning pattern, a winning pattern in a specified
1643 quantity of numbers or designations drawn or electronically
1644 determined and released, or any combination of these patterns.
1645 The term includes a prize awarded as an interim prize while
1646 players are competing for the game-winning prize or as a
1647 consolation prize after a player has won the game-winning prize.
1648 (3) "Designated electronic gaming machine area" means any
1649 area of a facility of an electronic gaming machine licensee in
1650 which electronic gaming may be conducted.
1651 (4) "Distributor" means any person who sells, leases,



409112

580-02518A-10

1652 offers, or otherwise provides, distributes, or services any
1653 electronic gaming machine or associated equipment, software, or
1654 other functions required for use or play of electronic gaming
1655 machines in this state. The term may include a manufacturer.

1656 (5) "Division" means the Division of Pari-mutuel Wagering
1657 of the Department of Business and Professional Regulation.

1658 (6) "Electronic game" means an electronically simulated
1659 bingo game that:

1660 (a) Is played on an electronic gaming machine that, upon
1661 insertion of a ticket, or an electronic or account-based card,
1662 is available to play or simulate a game of bingo played on a
1663 network of electronic gaming machines;

1664 (b) Is not house-banked;

1665 (c) May award bonus prizes and progressive prizes; and

1666 (d) May make provide payoffs to players in the form of
1667 tickets or electronic or account-based credits that may be
1668 exchanged for cash, merchandise, or other items of value.

1669 (7) "Electronic gaming machine" means a player station,
1670 machine, or device, including associated equipment that is
1671 required to operate the player station, machine, or device, upon
1672 which an electronic game is played or operated. An electronic
1673 gaming machine:

1674 (a) May include spinning reels, video displays, video
1675 poker, or other similar technologies to convey outcomes to a
1676 player of simulated bingo as approved by the division.

1677 (b) Must display one or more bingo cards used in the game
1678 before numbers or other designations for the game are randomly
1679 drawn.

1680 (c) Must display any card in use by a player during game



409112

580-02518A-10

1681 play.

1682 (d) Must be directly linked to a central computer for
1683 purposes of security, monitoring, and auditing. The central
1684 computer may not limit a facility's ability to deploy its
1685 electronic player tracking or electronic gaming accounting
1686 system. However, such systems must use a widely accepted open
1687 communications protocol to ensure interoperability among all
1688 manufacturers and to provide a player with the ability to
1689 seamlessly alternate play between the electronic gaming machines
1690 and electronic gaming machines of different licensed
1691 manufacturers.

1692 (e) Is not a coin-operated amusement machine, as defined in
1693 s. 212.02, or an amusement game or machine, as described in s.
1694 849.161. Electronic gaming machines are not subject to the tax
1695 imposed by s. 212.05(1)(h).

1696 (8) "Electronic gaming machine facility" means an eligible
1697 facility at which electronic gaming machines are lawfully
1698 offered for play.

1699 (9) "Electronic gaming machine license" means a license
1700 issued by the division authorizing a licensee under chapter 550
1701 to place and operate electronic gaming machines in an eligible
1702 facility.

1703 (10) "Electronic gaming machine revenues" means all cash
1704 and property, except nonredeemable credits, received by the
1705 electronic gaming machine licensee from the operation of
1706 electronic gaming machines, less the amount of cash, cash
1707 equivalents, credits, and prizes paid to winners of electronic
1708 games.

1709 (11) "Eligible facility" means a facility at which a



409112

580-02518A-10

1710 licensee under chapter 550 has run a full schedule of live
1711 racing or games, as defined in s. 550.002(11).

1712 (12) "Game-winning pattern" means a predetermined pattern
1713 on an electronic bingo card. Each game must have one game-
1714 winning pattern or arrangement that must be common to all
1715 players and may be won by multiple players simultaneously. A
1716 game-winning prize must be awarded in every game. The pattern
1717 designated as the game-winning pattern need not pay the highest
1718 prize available in the game. Other patterns may be designated
1719 for the award of bonus prizes in addition to the prize to be
1720 awarded based on the game-winning pattern.

1721 (13) "Manufacturer" means any person who manufactures,
1722 builds, rebuilds, fabricates, assembles, produces, programs,
1723 designs, or modifies any electronic gaming machine or associated
1724 equipment for use or play in this state for gaming purposes.

1725 (14) "Nonredeemable credits" means electronic gaming
1726 machine operating credits that may not be redeemed for cash or
1727 any other thing of value by an electronic gaming machine, kiosk,
1728 or the electronic gaming machine licensee and that are provided
1729 for free to patrons. The credits become nonredeemable credits
1730 when they are metered as credit into an electronic gaming
1731 machine and recorded in the facility-based monitoring system.

1732 (15) "Progressive prize" means an established prize for a
1733 bingo game that is:

1734 (a) Funded by a percentage of each player's purchase or
1735 wager within one or more licensed facilities for a specific
1736 progressive bingo game;

1737 (b) Awarded to a player who obtains a specific
1738 predesignated and preannounced pattern having a specified



409112

580-02518A-10

1739 quantity of numbers or designations randomly drawn and released
1740 or electronically determined or randomly drawn and released or
1741 electronically determined in a specified sequence; and

1742 (c) Rolled over to each subsequent specific progressive
1743 bingo game until it is won.

1744 551.504 Powers and duties of the Division of Pari-Mutuel
1745 Wagering and the Department of Law Enforcement.-

1746 (1) The division shall adopt rules necessary to implement,
1747 administer, and regulate the operation of electronic gaming
1748 machines in this state. The rules shall include:

1749 (a) Procedures for applying for and renewing electronic
1750 gaming machine licenses.

1751 (b) Technical requirements and qualifications to receive an
1752 electronic gaming machine license or electronic gaming machine
1753 occupational license.

1754 (c) Procedures to ensure that an electronic game or
1755 electronic gaming machine does not enter the state or is not
1756 offered for play until it has been tested and certified by a
1757 licensed testing laboratory for play in the state.

1758 (d) Procedures to test, certify, control, and approve
1759 electronic games and electronic gaming machines. The procedures
1760 shall address measures to scientifically test and technically
1761 evaluate electronic gaming machines for compliance with the
1762 applicable laws and rules. The division may contract with an
1763 independent testing laboratory to conduct any necessary testing.
1764 The independent testing laboratory must have a national
1765 reputation indicating that it is demonstrably competent and
1766 qualified to scientifically test and evaluate electronic games
1767 and electronic gaming machines and to perform the functions



409112

580-02518A-10

1768 required by this part. An independent testing laboratory may not
1769 be owned or controlled by a licensee. The selection of an
1770 independent testing laboratory for any purpose related to the
1771 conduct of electronic gaming machines by a licensee shall be
1772 made from a list of laboratories approved by the division.

1773 (e) Procedures relating to electronic gaming machine
1774 revenues, including verifying and accounting for such revenues,
1775 auditing, and collecting taxes and fees.

1776 (f)1. Procedures to regulate, manage, and audit the
1777 operation, financial data, and program information relating to
1778 electronic gaming machines which enable the division and the
1779 Department of Law Enforcement to audit the operation, financial
1780 data, and program information of an electronic gaming machine
1781 licensee required by the division or the Department of Law
1782 Enforcement.

1783 2. Procedures to allow the division and the Department of
1784 Law Enforcement to:

1785 a. Monitor, at any time on a real-time basis, wagering
1786 patterns, payouts, tax collection, and compliance with division
1787 rules;

1788 b. Suspend play immediately on particular electronic gaming
1789 machines if the facilities-based computer system indicates
1790 possible tampering with or manipulation of the electronic gaming
1791 machines; and

1792 c. Immediately suspend play of the entire operation if the
1793 facilities-based computer system may have been tampered with or
1794 manipulated. The division shall notify the Department of Law
1795 Enforcement or the Department of Law Enforcement shall notify
1796 the division, as appropriate, when there is a suspension of play



409112

580-02518A-10

1797 under this subparagraph. The division and the Department of Law
1798 Enforcement shall exchange information that is necessary for and
1799 cooperate in the investigation of the circumstances resulting in
1800 suspension of play.

1801 (g) Procedures to require each licensee operating
1802 electronic gaming machines, at the licensee's expense, to supply
1803 the division with a bond having the penal sum of \$2 million
1804 payable to the Chief Financial Officer. Any bond shall be issued
1805 by a surety approved by the division and the Chief Financial
1806 Officer, conditioned to pay the Chief Financial Officer as
1807 treasurer of the division. The licensee must keep its books and
1808 records and make reports as provided in this part and conduct
1809 electronic gaming machine operations in conformity with this
1810 part and other provisions of law. Such bond shall be separate
1811 from the bond required in s. 550.125.

1812 (h) Procedures to require licensees to maintain specified
1813 records and submit any data, information, records, or reports,
1814 including financial and income records, required by this part or
1815 rules of the division.

1816 (i) A requirement that the payout percentage of an
1817 electronic gaming machine facility be at least 85 percent. The
1818 theoretical payout percentage shall be determined using standard
1819 methods of probability theory.

1820 (j) Minimum standards of security for the facilities,
1821 including floor plans, security cameras, and other security
1822 equipment.

1823 (k) Procedures to require electronic gaming machine
1824 licensees to implement and establish drug-testing programs for
1825 all electronic gaming machine occupational licensees.



409112

580-02518A-10

1826 (2) The division shall conduct investigations necessary to
1827 fulfill its responsibilities to regulate electronic gaming
1828 machine facilities.

1829 (3) The Department of Law Enforcement and local law
1830 enforcement agencies have concurrent jurisdiction to investigate
1831 criminal violations of laws regulating electronic gaming
1832 facilities and may investigate any other criminal violation of
1833 law occurring at a facility. Such investigations may be
1834 conducted in conjunction with the appropriate state attorney.

1835 (4) (a) The division, the Department of Law Enforcement, and
1836 local law enforcement agencies have unrestricted access to an
1837 electronic gaming machine licensee's facility at all times and
1838 shall require each electronic gaming machine licensee to
1839 strictly comply with the laws of this state relating to the
1840 transaction of such business. The division, the Department of
1841 Law Enforcement, and local law enforcement agencies may:

1842 1. Inspect and examine premises where electronic gaming
1843 machines are offered for play.

1844 2. Inspect electronic gaming machines and related equipment
1845 and supplies.

1846 (b) In addition, the division may:

1847 1. Collect taxes, assessments, fees, and penalties.

1848 2. Deny, revoke, suspend, or place conditions on the
1849 license of a person who violates this part or rules adopted
1850 pursuant thereto.

1851 (5) The division shall revoke or suspend the license of any
1852 person who is no longer qualified or who is found to have been
1853 unqualified at the time of application for the license.

1854 (6) This section does not:



409112

580-02518A-10

1855 (a) Prohibit the Department of Law Enforcement or any law
1856 enforcement authority whose jurisdiction includes a licensed
1857 facility from conducting investigations of criminal activities
1858 occurring at the facility;

1859 (b) Restrict access to an electronic gaming machine
1860 licensee's facility by the Department of Law Enforcement or any
1861 local law enforcement authority whose jurisdiction includes the
1862 electronic gaming machine licensee's facility; or

1863 (c) Restrict access by the Department of Law Enforcement or
1864 local law enforcement authorities to information and records
1865 necessary to the investigation of criminal activity which are
1866 contained within the electronic gaming machine licensee's
1867 facility.

1868 551.505 License to conduct electronic gaming.-

1869 (1) Upon application and a finding by the division after
1870 investigation that the application is complete and the applicant
1871 is qualified and payment of the initial license fee, the
1872 division may issue a license to conduct electronic gaming in any
1873 designated electronic gaming machine area of an eligible
1874 facility.

1875 (2) An electronic gaming machine license may be issued only
1876 to a person or entity licensed to conduct pari-mutuel wagering
1877 under chapter 550, and electronic gaming may be operated only at
1878 the eligible facility at which the licensee is authorized to
1879 conduct pari-mutuel wagering activities.

1880 (3) As a condition of licensure and to maintain continued
1881 authority to conduct electronic gaming, an electronic gaming
1882 machine licensee shall:

1883 (a) Comply with this part.



409112

580-02518A-10

1884 (b) Comply with chapter 550 and maintain the pari-mutuel
1885 permit and license in good standing pursuant to chapter 550.
1886 Notwithstanding any contrary provision of law, a pari-mutuel
1887 permitholder may, within 60 days after the effective date of
1888 this part, amend its pari-mutuel wagering operating license. The
1889 division shall issue a new license to the permitholder to
1890 effectuate any approved change.

1891 (c) Conduct at least a full schedule of live racing or
1892 games as defined in s. 550.002(11), including races or games
1893 under s. 550.475, or be authorized to conduct limited intertrack
1894 wagering under s. 550.6308 at the eligible facility. A
1895 licensee's responsibility to conduct such number of live races
1896 or games shall be reduced by the number of races or games that
1897 could not be conducted due to the direct result of fire, war,
1898 hurricane, or other disaster or event beyond the control of the
1899 licensee.

1900 (d) Provide appropriate current and accurate documentation,
1901 on a timely basis, to the division relating to changes in
1902 ownership or interest in an electronic gaming machine license.
1903 Changes in ownership or interest in an electronic gaming machine
1904 license of 5 percent or more of the stock or other evidence of
1905 ownership or equity in the electronic gaming machine license or
1906 of any parent corporation or other business entity that owns or
1907 controls the electronic gaming machine license must be approved
1908 by the division prior to such change, unless the owner is an
1909 existing holder of the license who was previously approved by
1910 the division. Any changes in ownership or interest in an
1911 electronic gaming machine license of less than 5 percent, unless
1912 such change results in a cumulative total of 5 percent or more,



409112

580-02518A-10

1913 shall be reported to the division within 20 days after the
1914 change. The division may conduct an investigation to ensure that
1915 the license is properly updated to show the change in ownership
1916 or interest. Reporting is not required if the person is holding
1917 5 percent or less equity or securities of a corporate owner of
1918 the electronic gaming machine licensee that has its securities
1919 registered pursuant to s. 12 of the Securities Exchange Act of
1920 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity
1921 files with the United States Securities and Exchange Commission
1922 the reports required by s. 13 of that act, or if the securities
1923 of the corporation or entity are regularly traded on an
1924 established securities market in the United States. A change in
1925 ownership or interest of less than 5 percent which results in a
1926 cumulative ownership or interest of 5 percent or more must be
1927 approved by the division prior to such change unless the owner
1928 is an existing holder of the license who was previously approved
1929 by the division.

1930 (e) Provide the division and the Department of Law
1931 Enforcement unrestricted access to inspect the facilities of an
1932 electronic gaming machine licensee in which any activity
1933 relative to the operation of electronic gaming machines is
1934 conducted.

1935 (f) Ensure that the facilities-based computer system or
1936 operational and accounting functions of the electronic gaming
1937 machine facility is specifically structured to facilitate
1938 regulatory oversight. The facilities-based computer system shall
1939 give the division and the Department of Law Enforcement the
1940 ability to monitor, at any time on a real-time basis, the
1941 wagering patterns, payouts, tax collection, and such other



409112

580-02518A-10

1942 operations as are necessary to determine whether the facility is
1943 in compliance with statutory provisions and rules adopted by the
1944 division for the regulation and control of electronic gaming
1945 machines. The division and the Department of Law Enforcement
1946 shall have continuous access to this system. The division and
1947 the department shall have the ability to suspend play
1948 immediately on particular electronic gaming machines if the
1949 system indicates possible tampering with or manipulation of
1950 those electronic gaming machines or the ability to immediately
1951 suspend play of the entire operation if the system indicates
1952 that the system has been tampered with or manipulated. The
1953 computer system shall be reviewed and approved by the division
1954 to ensure necessary access, security, and functionality. The
1955 division may adopt rules to provide for the approval process.

1956 (g) Ensure that each electronic gaming machine and
1957 electronic game is protected from manipulation or tampering
1958 affecting the random probabilities of winning plays. The
1959 division or the Department of Law Enforcement may suspend play
1960 upon reasonable suspicion of any manipulation or tampering. If
1961 play has been suspended on any electronic gaming machine, the
1962 division or the Department of Law Enforcement may examine the
1963 machine to determine whether the machine has been tampered with
1964 or manipulated and whether the machine should be returned to
1965 operation.

1966 (h) Submit a security plan, including the facilities' floor
1967 plans, the locations of security cameras, and a listing of all
1968 security equipment that is capable of observing and
1969 electronically recording activities being conducted in the
1970 facilities of the electronic gaming machine licensee. The



409112

580-02518A-10

1971 security plan must meet the minimum security requirements as
1972 determined by the division by rule, and be implemented before
1973 operation of electronic gaming machine games. The electronic
1974 gaming machine licensee's facilities must adhere to the security
1975 plan at all times. Any changes to the security plan must be
1976 submitted by the licensee to the division before they are
1977 implemented. The division shall furnish copies of the security
1978 plan and changes in the plan to the Department of Law
1979 Enforcement.

1980 (i) Create and file with the division a written policy for:

1981 1. Creating opportunities to purchase from vendors in this
1982 state, including minority vendors.

1983 2. Creating opportunities for employment of residents of
1984 this state, including minority residents.

1985 3. Ensuring opportunities for construction services from
1986 minority contractors.

1987 4. Ensuring that opportunities for employment are offered
1988 on an equal, nondiscriminatory basis.

1989 5. Providing training for employees on responsible gaming
1990 and working with a compulsive or addictive gambling prevention
1991 program to further its purposes as provided for in this part.

1992 6. The implementation of a drug-testing program that
1993 includes, but need not be limited to, requiring each employee to
1994 sign an agreement that he or she understands that the electronic
1995 gaming machine facility is a drug-free workplace.

1996
1997 The electronic gaming machine licensee shall use the Internet-
1998 based job-listing system of the Agency for Workforce Innovation
1999 in advertising employment opportunities. Beginning in June 2011,



409112

580-02518A-10

2000 each electronic gaming machine licensee shall submit an annual
2001 report to the division containing information indicating
2002 compliance with this paragraph in regard to minority persons.

2003 (j) Maintain a payout percentage of at least 85 percent per
2004 electronic gaming machine facility. The theoretical payout
2005 percentage shall be determined using standard methods of
2006 probability theory.

2007 (4) An electronic gaming machine license is not
2008 transferable.

2009 (5) An electronic gaming machine licensee shall keep and
2010 maintain daily records of its electronic gaming machine
2011 operations and shall maintain such records for at least 5 years.
2012 These records must include all financial transactions and
2013 contain sufficient detail to determine compliance with laws and
2014 rules regulating electronic gaming. All records shall be
2015 available for audit and inspection by the division, the
2016 Department of Law Enforcement, or other law enforcement agencies
2017 during the licensee's regular business hours.

2018 (6) An electronic gaming machine licensee shall file with
2019 the division a monthly report containing the required records of
2020 such electronic gaming machine operations. The required reports
2021 shall be submitted on forms prescribed by the division and shall
2022 be due at the same time as the monthly pari-mutuel reports are
2023 due. Such reports are public records once filed.

2024 (7) An electronic gaming machine licensee shall file with
2025 the division an audit of the receipt and distribution of all
2026 electronic gaming machine revenues. The audit must be performed
2027 by an independent certified public accountant who shall verify
2028 whether the licensee has complied with the financial and



409112

580-02518A-10

2029 auditing laws and rules applicable to the licensee. The audit
2030 must include verification of compliance with all statutes and
2031 rules regarding all required records of electronic gaming
2032 machine operations. Such audit shall be filed within 120 days
2033 after completion of the permitholder's fiscal year.

2034 (8) The division may share any information with the
2035 Department of Law Enforcement, any other law enforcement agency
2036 having jurisdiction over electronic gaming machines or pari-
2037 mutuel activities, or any other state or federal law enforcement
2038 agency or division that the Department of Law Enforcement deems
2039 appropriate. Any law enforcement agency having jurisdiction over
2040 electronic gaming machines or pari-mutuel activities may share
2041 with the division information obtained or developed by it.

2042 (9) (a) An electronic gaming machine license or renewal may
2043 not be issued to an applicant licensed under chapter 550 to
2044 conduct live pari-mutuel wagering races or games unless the
2045 applicant has on file with the division the following binding
2046 written agreements governing the payment of awards and purses on
2047 live races or games conducted at the licensee's pari-mutuel
2048 facility:

2049 1. For a thoroughbred licensee, an agreement governing the
2050 payment of purses between the applicant and the Florida
2051 Horsemen's Benevolent and Protective Association, Inc., or the
2052 association representing a majority of the thoroughbred owners
2053 and trainers at the applicant's eligible facility located as
2054 described in s. 550.615(9), and an agreement governing the
2055 payment of awards between the applicant and the Florida
2056 Thoroughbred Breeders' Association;

2057 2. For a harness licensee, an agreement governing the



409112

580-02518A-10

2058 payment of purses and awards between the applicant and the
2059 Florida Standardbred Breeders and Owners Association;

2060 3. For a greyhound licensee, an agreement governing the
2061 payment of purses between the applicant and the Florida
2062 Greyhound Association, Inc.;

2063 4. For a quarter horse licensee, an agreement governing the
2064 payment of purses between the applicant and the Florida Quarter
2065 Horse Racing Association or the association representing a
2066 majority of the horse owners and trainers at the applicants
2067 eligible facility, and an agreement governing the payment of
2068 awards between the applicant and the Florida Quarter Horse
2069 Breeders and Owners Association; or

2070 5. For a jai alai licensee, an agreement governing the
2071 payment of player awards between the applicant and the
2072 International Jai Alai Players Association or a binding written
2073 agreement approved by a majority of the jai alai players at the
2074 applicant's eligible facility at which the applicant has a
2075 permit issued after January 1, 2000, to conduct jai alai.

2076 (b) The agreements may direct the payment of purses and
2077 awards from revenues generated by any wagering or games that the
2078 applicant is authorized to conduct under state law. All purses
2079 and awards are subject to the terms of chapter 550. All sums for
2080 breeders', stallion, and special racing awards shall be remitted
2081 monthly to the respective breeders association for the payment
2082 of awards, subject to the administrative fees authorized under
2083 chapter 550.

2084 (c) An electronic gaming machine license or renewal thereof
2085 may not be issued to an applicant licensed to conduct intertrack
2086 wagering under s. 550.6308 unless the applicant has on file with



409112

580-02518A-10

2087 the division a binding written agreement between the applicant
2088 and the Florida Thoroughbred Breeders' Association, Inc.,
2089 dedicating to the payment of breeders', stallion, and special
2090 racing awards on live thoroughbred races conducted in this state
2091 at least the same percentage of electronic gaming machine
2092 revenues as the highest percentage of electronic gaming machine
2093 revenues dedicated to purses and awards in a current agreement
2094 under this subsection by an applicant licensed under chapter 550
2095 to conduct live thoroughbred races. At least one-half of such
2096 funds must be distributed as special racing awards.

2097 (d) The division shall suspend an electronic gaming machine
2098 license if any agreement required under paragraph (a) is
2099 terminated or otherwise ceases to operate or if the division
2100 determines that the licensee is materially failing to comply
2101 with the terms of such agreement. Any suspension shall take
2102 place in accordance with chapter 120.

2103 (e)1. If an agreement required under paragraph (a) cannot
2104 be reached prior to the initial issuance of the electronic
2105 gaming machine license, either party may request arbitration. In
2106 the case of a renewal, if an agreement is not in place 120 days
2107 before the scheduled expiration date of the electronic gaming
2108 machine license, the applicant shall immediately ask the
2109 American Arbitration Association to furnish a list of 11
2110 arbitrators, each of whom shall have at least 5 years of
2111 commercial arbitration experience and no financial interest in
2112 or prior relationship with any party or with an affiliated or
2113 related entity or principal. Each required party to the
2114 agreement shall select a single arbitrator from the list within
2115 10 days after receipt, and the persons selected shall choose one



409112

580-02518A-10

2116 additional arbitrator from the list within 10 days.

2117 2. If an agreement required under paragraph (a) is not in
2118 place 60 days after the request under subparagraph 1., in the
2119 case of an initial electronic gaming machine license or, in the
2120 case of a renewal, 60 days prior to the scheduled expiration
2121 date of the license, the matter shall be immediately submitted
2122 to mandatory binding arbitration. The three arbitrators selected
2123 pursuant to subparagraph 1. shall conduct the arbitration
2124 pursuant to the American Arbitration Association Commercial
2125 Arbitration Rules and chapter 682.

2126 3. At the conclusion of the proceedings, which may be no
2127 later than 90 days after the request under subparagraph 1. in
2128 the case of an initial electronic gaming machine license or, in
2129 the case of a renewal, 30 days prior to the scheduled expiration
2130 date of the electronic gaming machine license, the arbitration
2131 panel shall present to the parties a proposed agreement that the
2132 majority of the panel believes equitably balances the rights,
2133 interests, obligations, and reasonable expectations of the
2134 parties. The parties shall immediately enter into such
2135 agreement, which shall satisfy the requirements of paragraph (a)
2136 and permit issuance of the pending annual electronic gaming
2137 machine license or renewal. The agreement shall be effective
2138 until the last day of the license or renewal period or until the
2139 parties enter into a different agreement. Each party shall pay
2140 its respective costs of arbitration and shall pay one-half of
2141 the costs of the arbitration panel, unless the parties otherwise
2142 agree. If the agreement remains in place 120 days prior to the
2143 scheduled issuance of the next annual license renewal, the
2144 arbitration process established in this paragraph shall begin



409112

580-02518A-10

2145 again.

2146 4. If neither agreement required under paragraph (a) is in
2147 place by the deadlines established in this paragraph,
2148 arbitration regarding each agreement shall proceed
2149 independently, with separate lists of arbitrators, arbitration
2150 panels, arbitration proceedings, and resulting agreements.

2151 5. With respect to the agreement required under paragraph
2152 (a) governing the payment of purses, the arbitration and
2153 resulting agreement is limited to the payment of purses from
2154 electronic gaming machine revenues only.

2155 (f) If any provision of this subsection or its application
2156 to any person or circumstance is held invalid, the invalidity
2157 does not affect other provisions or applications of this
2158 subsection or part which can be given effect without the invalid
2159 provision or application, and to this end the provisions of this
2160 subsection are severable.

2161 551.506 Temporary licenses.-

2162 (1) Notwithstanding any provision of s. 120.60 to the
2163 contrary, the division may issue a temporary occupational
2164 license upon receipt of a complete application and a
2165 determination that the applicant has not been convicted of or
2166 had adjudication withheld on any disqualifying criminal offense.
2167 The temporary occupational license remains valid until the
2168 division grants an occupational license or notifies the
2169 applicant of its intended decision to deny the license pursuant
2170 to the provisions of s. 120.60. The division shall adopt rules
2171 to administer this section. However, not more than one temporary
2172 license may be issued for any person in any year.

2173 (2) A temporary license issued under this section is not



409112

580-02518A-10

2174 transferable.

2175 551.507 Electronic gaming machine license renewal.-

2176 (1) An electronic gaming machine license is effective for 1
2177 year after issuance and may be renewed annually. The application
2178 for renewal must contain all revisions to the information
2179 submitted in the prior year's application which are necessary to
2180 maintain such information as accurate and current.

2181 (2) The applicant for renewal must attest that any
2182 information changes do not affect such applicant's
2183 qualifications for license renewal.

2184 (3) Upon determination by the division that the application
2185 for renewal is complete and qualifications have been met,
2186 including payment of the renewal fee, the license shall be
2187 renewed.

2188 551.508 License fee; tax rate; penalties.-

2189 (1) LICENSE FEE.-

2190 (a) Upon submission of the initial application for an
2191 electronic gaming machine license or upon submission of an
2192 application to renew a license, the licensee must pay to the
2193 division a nonrefundable license fee of \$1 million for the
2194 succeeding 12 months of licensure. The fee shall be deposited
2195 into the Pari-mutuel Wagering Trust Fund of the Department of
2196 Business and Professional Regulation to be used by the division
2197 and the Department of Law Enforcement for investigations,
2198 regulation of electronic gaming, and enforcement of electronic
2199 gaming provisions. These payments shall be accounted for
2200 separately from taxes or fees paid pursuant to the provisions of
2201 chapter 550 or part I of this chapter.

2202 (b) The division shall evaluate the license fee and submit



409112

580-02518A-10

2203 recommendations in its legislative budget request identifying
2204 the optimum level of electronic gaming machine license fees
2205 required to adequately support the electronic gaming machine
2206 regulatory program.

2207 (c) Notwithstanding s. 550.135(2), all fees and fines
2208 collected pursuant to this chapter shall remain in the Pari-
2209 mutuel Wagering Trust Fund for use by the division for the
2210 regulation of electronic gaming machines and electronic games.

2211 (2) TAX ON ELECTRONIC GAMING MACHINE REVENUES.-

2212 (a) The tax rate on electronic gaming machine revenues at
2213 each facility shall be 35 percent.

2214 (b) The electronic gaming machine revenue tax imposed by
2215 this section shall be paid to the division for deposit into the
2216 Pari-mutuel Wagering Trust Fund for immediate transfer by the
2217 Chief Financial Officer for deposit into the Educational
2218 Enhancement Trust Fund of the Department of Education. Any
2219 interest earnings on the tax revenues shall also be transferred
2220 to the Educational Enhancement Trust Fund.

2221 (c)1. Funds transferred to the Educational Enhancement
2222 Trust Fund shall be used to supplement public education funding
2223 statewide.

2224 2. If necessary to comply with any covenant established
2225 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
2226 funds transferred to the Educational Enhancement Trust Fund
2227 shall first be available to pay debt service on lottery bonds
2228 issued to fund school construction in the event lottery revenues
2229 are insufficient for such purpose or to satisfy debt service
2230 reserve requirements established in connection with lottery
2231 bonds. Moneys available pursuant to this subparagraph are



409112

580-02518A-10

2232 subject to annual appropriation by the Legislature.

2233 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
2234 on electronic gaming machine revenues imposed by this section
2235 shall be paid to the division. The division shall deposit such
2236 funds with the Chief Financial Officer, to the credit of the
2237 Pari-mutuel Wagering Trust Fund. The electronic gaming machine
2238 licensee shall remit to the division payment for the tax on
2239 electronic gaming machine revenues by 3 p.m. on the 5th calendar
2240 day of each month for taxes imposed and collected for the
2241 preceding calendar month. The electronic gaming machine licensee
2242 shall file a report under oath by the 5th day of each calendar
2243 month for all taxes remitted during the preceding calendar
2244 month. Such payments shall be accompanied by a report under oath
2245 showing all electronic gaming machine activities for the
2246 preceding calendar month and such other information as may be
2247 prescribed by the division.

2248 (4) FAILURE TO PAY TAX; PENALTIES.—An electronic gaming
2249 machine licensee who does not make tax payments required under
2250 this section is subject to an administrative penalty of up to
2251 \$10,000 for each day the tax payment is not remitted. All
2252 administrative penalties imposed and collected shall be
2253 deposited into the Pari-mutuel Wagering Trust Fund of the
2254 Department of Business and Professional Regulation. If an
2255 electronic gaming machine licensee does not pay penalties
2256 imposed by the division, the division may suspend, revoke, or
2257 refuse to renew the license of the electronic gaming machine
2258 licensee.

2259 (5) SUBMISSION OF FUNDS.—The division may require
2260 electronic gaming machine licensees to remit taxes, fees, fines,



409112

580-02518A-10

2261 and assessments by electronic funds transfer.

2262 551.509 Electronic gaming machine occupational license;
2263 findings; application; fee.—

2264 (1) The Legislature finds that licensees and persons
2265 associated with licensees require heightened state scrutiny. As
2266 such, licensees and persons associated with licensees shall
2267 submit fingerprints for a criminal history records check.

2268 (2) (a) The following electronic gaming machine occupational
2269 licenses are required for persons who, by virtue of the
2270 positions they hold, potentially may have access to electronic
2271 gaming machine areas or to any other person or entity in one of
2272 the following categories:

2273 1. General occupational licenses for general employees,
2274 including food service, maintenance, and other similar service
2275 and support employees having access to an electronic gaming
2276 machine area.

2277 2. Professional occupational licenses for any person,
2278 proprietorship, partnership, corporation, or other entity that
2279 is authorized by an electronic gaming machine licensee to
2280 manage, oversee, or otherwise control daily operations as an
2281 electronic gaming machine manager, floor supervisor, security
2282 personnel, or other similar position of oversight of gaming
2283 operations, or any person who is not an employee of the
2284 electronic gaming machine licensee and who provides maintenance,
2285 repair, or upgrades or otherwise services an electronic gaming
2286 machine or other electronic gaming machine equipment.

2287 3. Business occupational licenses for any electronic gaming
2288 machine management company or company associated with electronic
2289 gaming; any person who manufactures, distributes, or sells



409112

580-02518A-10

2290 electronic gaming machines, electronic gaming machine
2291 paraphernalia, or other associated equipment to electronic
2292 gaming machine licensees; or any company that sells or provides
2293 goods or services associated with electronic gaming to
2294 electronic gaming machine licensees.

2295 (b) The division may issue one license in order to combine
2296 licenses under this section with pari-mutuel occupational
2297 licenses and cardroom licenses pursuant to s. 550.105(2)(b). The
2298 division shall adopt rules pertaining to occupational licenses
2299 under this subsection. Such rules may specify requirements and
2300 restrictions for licensed occupations and categories, procedures
2301 to apply for a license or combination of licenses, disqualifying
2302 criminal offenses for a licensed occupation or categories of
2303 occupations, and which types of occupational licenses may be
2304 combined into a single license. The fingerprinting requirements
2305 of subsection (10) apply to any combination license that
2306 includes electronic gaming machine license privileges. The
2307 division may not adopt a rule allowing the issuance of an
2308 occupational license to any person who does not meet the minimum
2309 background qualifications of this section.

2310 (c) Electronic gaming machine occupational licenses are not
2311 transferable.

2312 (3) An electronic gaming machine licensee may not employ or
2313 otherwise allow a person to work at a licensed facility unless
2314 such person holds the appropriate valid occupational license. An
2315 electronic gaming machine licensee may not contract or otherwise
2316 conduct business with a business that is required to hold an
2317 electronic gaming machine occupational license unless the
2318 business holds such a license. An electronic gaming machine



409112

580-02518A-10

2319 licensee may not employ or otherwise allow a person to work in a
2320 supervisory or management professional level at a licensed
2321 facility unless such person holds a valid electronic gaming
2322 machine occupational license. All electronic gaming machine
2323 occupational licensees, while present in electronic gaming
2324 machine areas, shall display on their persons their occupational
2325 license identification cards.

2326 (4) (a) A person seeking an electronic gaming machine
2327 occupational license or renewal thereof shall apply on forms
2328 prescribed by the division and include payment of the
2329 appropriate application fee. Initial and renewal applications
2330 for electronic gaming machine occupational licenses must contain
2331 all information that the division, by rule, requires.

2332 (b) An electronic gaming machine license or combination
2333 license is valid for the same term as a pari-mutuel occupational
2334 license issued pursuant to s. 550.105(1).

2335 (c) Pursuant to rules adopted by the division, any person
2336 may apply for and, if qualified, be issued an electronic gaming
2337 machine occupational license. The license shall be valid for a
2338 period of 3 years upon payment of the full occupational license
2339 fee for each of the 3 years for which the license is issued. The
2340 electronic gaming machine occupational license is valid during
2341 its specified term at any licensed facility where electronic
2342 gaming machine gaming is authorized.

2343 (d) The electronic gaming machine occupational license fee
2344 for initial application and annual renewal shall be determined
2345 by rule of the division, but may not exceed \$50 for a general or
2346 professional occupational license for an employee of the
2347 electronic gaming machine licensee or \$1,000 for a business



409112

580-02518A-10

2348 occupational license for nonemployees of the licensee who
2349 provide goods or services to the electronic gaming machine
2350 licensee. License fees for general occupational licenses shall
2351 be paid by the electronic gaming machine licensee. Failure to
2352 pay the required fee constitutes grounds for disciplinary action
2353 by the division against the electronic gaming machine licensee,
2354 but it is not a violation of this part or rules of the division
2355 by the general occupational licensee and does not prohibit the
2356 initial issuance or the renewal of the general occupational
2357 license.

2358 (5) The division may:

2359 (a) Deny an application for, or revoke, suspend, or place
2360 conditions or restrictions on, a license of an applicant or
2361 licensee that has been refused a license by another state gaming
2362 commission, governmental department, agency, or other authority
2363 exercising regulatory jurisdiction over the gaming of another
2364 state or jurisdiction; or

2365 (b) Deny an application for, or suspend, or place
2366 conditions on a license of any applicant or licensee that is
2367 under suspension or has unpaid fines in another state or
2368 jurisdiction.

2369 (6) (a) The division may deny, suspend, revoke, or refuse to
2370 renew any electronic gaming machine occupational license if the
2371 applicant or licensee has violated this part or the rules
2372 governing the conduct of persons connected with electronic games
2373 or electronic gaming. In addition, the division may deny,
2374 suspend, revoke, or refuse to renew any electronic gaming
2375 machine occupational license if the applicant or licensee has
2376 been convicted under the laws of this state or of another state,



409112

580-02518A-10

2377 or under the laws of the United States, of a capital felony, a
2378 felony, or an offense in another state which would be a felony
2379 under the laws of this state involving arson; trafficking in,
2380 conspiracy to traffic in, smuggling, importing, conspiracy to
2381 smuggle or import, or delivery, sale, or distribution of a
2382 controlled substance; racketeering; or a crime showing a lack of
2383 good moral character, or has had a gaming license revoked by
2384 this state or another jurisdiction for any gaming-related
2385 offense.

2386 (b) The division may deny, revoke, or refuse to renew any
2387 electronic gaming machine occupational license if the applicant
2388 or licensee has been convicted of a felony or misdemeanor in
2389 this state, in another state, or under the laws of the United
2390 States if such felony or misdemeanor is related to gambling or
2391 bookmaking as described in s. 849.25.

2392 (c) As used in this subsection, the term "convicted" means
2393 having been found guilty, with or without adjudication of guilt,
2394 as a result of a jury verdict, nonjury trial, or entry of a plea
2395 of guilty or nolo contendere.

2396 (7) The division may deny, revoke, or suspend any
2397 occupational license if the applicant or licensee accumulates
2398 unpaid obligations, defaults in obligations, or issues drafts or
2399 checks that are dishonored or for which payment is refused
2400 without reasonable cause.

2401 (8) The division may fine or suspend, revoke, or place
2402 conditions upon the license of any licensee who provides false
2403 information under oath regarding an application for a license or
2404 an investigation by the division.

2405 (9) The division may impose a civil fine of up to \$5,000



409112

580-02518A-10

2406 for each violation of this part or the rules of the division in
2407 addition to or in lieu of any other penalty. The division may
2408 adopt a penalty schedule for violations for which it would
2409 impose a fine in lieu of a suspension and adopt rules allowing
2410 for the issuance of citations, including procedures to address
2411 such citations, to persons who violate such rules. In addition
2412 to any other penalty provided by law, the division may exclude
2413 from all licensed electronic gaming machine facilities in this
2414 state, for a period not to exceed the period of suspension,
2415 revocation, or ineligibility, any person whose occupational
2416 license application has been refused or who has been declared
2417 ineligible to hold an occupational license or whose occupational
2418 license has been suspended or revoked by the division.

2419 (10) Fingerprints for electronic gaming machine
2420 occupational license applications shall be taken in a manner
2421 approved by the division and shall be submitted electronically
2422 to the Department of Law Enforcement for state processing and to
2423 the Federal Bureau of Investigation for national processing for
2424 a criminal history record check. All persons as specified in s.
2425 550.1815(1) (a) who are employed by or working within licensed
2426 premises shall submit fingerprints for a criminal history
2427 records check and may not have been convicted of any
2428 disqualifying criminal offenses specified in subsection (6).
2429 Division employees and law enforcement officers assigned to work
2430 within such premises as part of their official duties are
2431 excluded from the criminal history record check requirements. As
2432 used in this subsection, the term "convicted" means having been
2433 found guilty, with or without adjudication of guilt, as a result
2434 of a jury verdict, nonjury trial, or entry of a plea of guilty



409112

580-02518A-10

2435 or nolo contendere.

2436 (a) Fingerprints shall be taken in a manner approved by the
2437 division upon initial application, or as required thereafter by
2438 rule of the division, and shall be submitted electronically to
2439 the Department of Law Enforcement for state processing. The
2440 Department of Law Enforcement shall forward the fingerprints to
2441 the Federal Bureau of Investigation for national processing. The
2442 results of the criminal history record check shall be returned
2443 to the division for screening. Licensees shall provide necessary
2444 equipment, approved by the Department of Law Enforcement, to
2445 facilitate such electronic submission. The division requirements
2446 shall be instituted in consultation with the Department of Law
2447 Enforcement.

2448 (b) The cost of processing fingerprints and conducting a
2449 criminal history records check for a general occupational
2450 license shall be paid by the electronic gaming machine licensee.
2451 The cost of processing fingerprints and conducting a criminal
2452 history record check for a business or professional occupational
2453 license shall be paid by the person being checked. The
2454 Department of Law Enforcement may invoice the division for the
2455 fingerprints submitted each month.

2456 (c) All fingerprints submitted to the Department of Law
2457 Enforcement shall be retained by the Department of Law
2458 Enforcement and entered into the statewide automated fingerprint
2459 identification system as authorized by s. 943.05(2)(b), and
2460 shall be available for all purposes and uses authorized for
2461 arrest fingerprint cards in the statewide automated fingerprint
2462 identification system pursuant to s. 943.051.

2463 (d) The Department of Law Enforcement shall search all



409112

580-02518A-10

2464 arrest fingerprints received pursuant to s. 943.051 against the
2465 fingerprints retained in the statewide automated fingerprint
2466 identification system. Any arrest record that is identified with
2467 the retained fingerprints of a person subject to the criminal
2468 history screening requirements shall be reported to the
2469 division. Each licensed facility shall pay a fee for the cost of
2470 retention of the fingerprints and the ongoing searches under
2471 this paragraph. The division shall forward the fee to the
2472 Department of Law Enforcement. The amount of the fee to be
2473 imposed for such searches and the procedures for the retention
2474 of licensee fingerprints shall be as established by rule of the
2475 Department of Law Enforcement. The division shall inform the
2476 Department of Law Enforcement of any change in the license
2477 status of licensees whose fingerprints are retained.

2478 (e) The division shall request the Department of Law
2479 Enforcement to forward the fingerprints to the Federal Bureau of
2480 Investigation for a national criminal history records check
2481 every 3 years following issuance of a license. If the
2482 fingerprints of a person who is licensed have not been retained
2483 by the Department of Law Enforcement, the person must file a
2484 complete set of fingerprints as provided in paragraph (a). The
2485 division shall collect the fees for the cost of the national
2486 criminal history record check and shall forward the payment to
2487 the Department of Law Enforcement. The cost of processing
2488 fingerprints and conducting a criminal history record check for
2489 a general occupational license shall be paid by the electronic
2490 gaming machine licensee. The cost of processing fingerprints and
2491 conducting a criminal history record check for a business or
2492 professional occupational license shall be paid by the person



409112

580-02518A-10

2493 being checked. The Department of Law Enforcement may invoice the
2494 division for the fingerprints submitted each month. Under
2495 penalty of perjury, each person who is licensed or fingerprinted
2496 must agree to inform the division within 48 hours if he or she
2497 is convicted of or enters a plea of guilty or nolo contendere to
2498 any disqualifying offense, regardless of adjudication.

2499 (11) All moneys collected pursuant to this section shall be
2500 deposited into the Pari-mutuel Wagering Trust Fund.

2501 551.510 Prohibited relationships.—

2502 (1) A person employed by or performing any function on
2503 behalf of the division may not:

2504 (a) Be an officer, director, owner, or employee of any
2505 person or entity licensed by the division.

2506 (b) Have or hold any interest, direct or indirect, in or
2507 engage in any commerce or business relationship with any person
2508 licensed by the division.

2509 (2) A manufacturer or distributor of electronic gaming
2510 machines may not enter into any contract with an electronic
2511 gaming machine licensee which provides for any revenue sharing
2512 that is directly or indirectly calculated on the basis of a
2513 percentage of electronic gaming machine revenues. Any agreement
2514 in violation of this subsection is void.

2515 (3) A manufacturer or distributor of electronic gaming
2516 machines or equipment necessary for the operation of electronic
2517 gaming machines or an officer, director, or employee of any such
2518 manufacturer or distributor may not have any ownership or
2519 financial interest in an electronic gaming machine license or
2520 any business owned by an electronic gaming machine licensee.

2521 (4) An employee of the division or relative living in the



409112

580-02518A-10

2522 same household as the employee may not wager on an electronic
2523 gaming machine located at a facility licensed by the division.

2524 (5) An occupational licensee or relative living in the same
2525 household as the licensee may not wager on an electronic gaming
2526 machine located at a facility operated by such licensee.

2527 551.511 Prohibited acts; penalties.—

2528 (1) Except as otherwise provided by law and in addition to
2529 any other penalty, a person who knowingly makes or causes to be
2530 made, or aids, assists, or procures another to make, a false
2531 statement in any report, disclosure, application, or other
2532 document required under any law or rule regulating electronic
2533 gaming is subject to an administrative fine or civil penalty of
2534 up to \$10,000.

2535 (2) Except as otherwise provided by law and in addition to
2536 any other penalty, a person who possesses an electronic gaming
2537 machine without a license or who possesses an electronic gaming
2538 machine at a location other than at the electronic gaming
2539 machine licensee's facility is subject to an administrative fine
2540 or civil penalty of up to \$10,000 per machine. This prohibition
2541 does not apply to:

2542 (a) Electronic gaming machine manufacturers or distributors
2543 that are licensed and authorized to maintain an electronic
2544 gaming machine storage and maintenance facility in this state.
2545 The division may adopt rules regarding security, inspection, and
2546 access to the storage facility.

2547 (b) Certified educational facilities that are authorized by
2548 the division to maintain electronic gaming machines for the sole
2549 purpose of education and licensure of electronic gaming machine
2550 technicians, inspectors, or investigators. The division and the



409112

580-02518A-10

2551 Department of Law Enforcement may possess electronic gaming
2552 machines for training and testing purposes. The division may
2553 adopt rules regarding the regulation of such electronic gaming
2554 machines used for the sole purpose of education and licensure of
2555 electronic gaming machine technicians, inspectors, or
2556 investigators.

2557 (3) A person who knowingly excludes or attempts to exclude,
2558 anything of value from the deposit, counting, collection, or
2559 computation of revenues from electronic gaming machine activity,
2560 or a person who by trick, sleight-of-hand performance, fraud or
2561 fraudulent scheme, or device wins or attempts to win, for
2562 himself or herself or for another, money or property or a
2563 combination thereof, or reduces or attempts to reduce a losing
2564 wager in connection with electronic gaming commits a felony of
2565 the third degree, punishable as provided in s. 775.082, s.
2566 775.083, or s. 775.084.

2567 (4) Any person who manipulates or attempts to manipulate
2568 the outcome, payoff, or operation of an electronic gaming
2569 machine by physical tampering or the use of an object,
2570 instrument, or device, whether mechanical, electrical, or
2571 magnetic, or by other means, commits a felony of the third
2572 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2573 775.084.

2574 (5) Theft of electronic gaming machine proceeds or property
2575 belonging to an electronic gaming machine operator, licensee, or
2576 licensed facility by an employee of the operator or facility or
2577 by an officer, partner, owner, or employee of a person
2578 contracted to provide services to the operator or facility
2579 constitutes a felony of the third degree, punishable as provided



409112

580-02518A-10

2580 in s. 775.082 or s. 775.083.

2581 (6) (a) A law enforcement officer or electronic gaming
2582 machine operator who has probable cause to believe that a person
2583 has committed a violation of subsection (3), subsection (4), or
2584 subsection (5) and that officer or operator can recover the lost
2585 proceeds from the activity by taking the person into custody
2586 may, for the purpose of attempting to effect the recovery of the
2587 proceeds, take into custody on the premises and detain the
2588 person in a reasonable manner for a reasonable time. If the
2589 operator takes the person into custody, a law enforcement
2590 officer shall be called to the scene immediately. The taking
2591 into custody and detention by a law enforcement officer or
2592 electronic gaming machine operator, if done in compliance with
2593 this subsection, does not render such law enforcement officer,
2594 or the officer's agency, or the electronic gaming machine
2595 operator criminally or civilly liable for false arrest, false
2596 imprisonment, or unlawful detention.

2597 (b) A law enforcement officer may arrest, on or off the
2598 premises and without warrant, any person if the officer has
2599 probable cause to believe that person has violated subsection
2600 (3), subsection (4), or subsection (5).

2601 (c) A person who resists the reasonable effort of a law
2602 enforcement officer or electronic gaming machine operator to
2603 take into custody a person who is violating subsection (3),
2604 subsection (4), or subsection (5) commits a misdemeanor of the
2605 first degree, punishable as provided in s. 775.082 or s.
2606 775.083, unless the person did not know or have reason to know
2607 that the person seeking to take him or her into custody was a
2608 law enforcement officer or electronic gaming machine operator.



409112

580-02518A-10

2609 (7) The penalties imposed and collected under this section
2610 must be deposited into the Pari-mutuel Wagering Trust Fund of
2611 the Department of Business and Professional Regulation.

2612 551.512 Legal devices.—Notwithstanding any provision of law
2613 to the contrary, electronic gaming machines manufactured, sold,
2614 distributed, possessed, or operated pursuant to the laws and
2615 rules regulating electronic gaming are lawful in this state. An
2616 electronic game or electronic gaming machine may not enter the
2617 state until it has been tested and certified by a licensed
2618 testing laboratory, and certified for play in the state. The
2619 division shall adopt rules regarding the testing, certification,
2620 control, and approval of electronic games and electronic gaming
2621 machines entering, departing, or moving within the state.

2622 551.513 Exclusions of certain persons.—In addition to the
2623 power to exclude certain persons, the division may exclude any
2624 person from a facility of an electronic gaming machine licensee
2625 in this state for conduct that would constitute, if the person
2626 were a licensee, a violation of this part or the rules of the
2627 division. The division may exclude a person who has been ejected
2628 from a gaming facility or who has been excluded from a gaming
2629 facility in another state by the governmental authority
2630 exercising regulatory jurisdiction over the gaming in such other
2631 state. This section does not abrogate the common law right of an
2632 electronic gaming machine licensee to exclude a patron.

2633 551.514 Persons prohibited from operating electronic gaming
2634 machines.—

2635 (1) A person who has not attained 18 years of age may not
2636 operate or play an electronic gaming machine or have access to
2637 the designated electronic gaming machine area.



409112

580-02518A-10

2638 (2) An electronic gaming machine licensee or agent or
2639 employee of an electronic gaming machine licensee may not
2640 knowingly allow a person who has not attained 18 years of age
2641 to:

2642 (a) Play or operate an electronic gaming machine.

2643 (b) Be employed in any position allowing or requiring
2644 access to the designated gaming area of a facility of an
2645 electronic gaming machine licensee.

2646 (c) Have access to the designated electronic gaming machine
2647 area of a facility of an electronic gaming machine licensee.

2648 (3) A licensed facility shall post clear and conspicuous
2649 signage within the designated electronic gaming machine areas
2650 which states:

2651 THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS
2652 UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW (SECTION
2653 551.514, FLORIDA STATUTES). PROOF OF AGE MAY BE
2654 REQUIRED AT ANY TIME.

2655 551.515 Electronic gaming machine areas.—

2656 (1) An electronic gaming machine licensee may make
2657 available for play up to 1,000 electronic gaming machines within
2658 an eligible facility in a designated electronic gaming machine
2659 area. No more than 1,000 electronic gaming machines shall be
2660 authorized at a facility regardless of the number of
2661 permitholders conducting operations at that facility.

2662 (2) The electronic gaming machine licensee shall display
2663 pari-mutuel races or games within the designated electronic
2664 gaming machine areas and offer patrons within such areas the
2665 opportunity to wager on live, intertrack, and simulcast races.

2666 (3) The division shall require the posting of signs warning



409112

580-02518A-10

2667 of the risks and dangers of gambling, showing the odds of
2668 winning, and informing patrons of the toll-free telephone number
2669 available to provide information and referral services regarding
2670 compulsive or problem gambling.

2671 (4) Designated electronic gaming machine areas may be
2672 located within a live gaming facility or an existing building
2673 that is contiguous and connected to the live gaming facility. If
2674 such gaming area is to be located in a building that is not yet
2675 constructed, the new building must be contiguous and connected
2676 to the live gaming facility.

2677 (5) An electronic gaming machine licensee shall provide
2678 adequate office space at no cost to the division and the
2679 Department of Law Enforcement for the oversight of electronic
2680 gaming machine operations. The division shall adopt rules
2681 establishing criteria for adequate space, configuration, and
2682 location and needed electronic and technological requirements.

2683 551.516 Days and hours of operation.—Electronic gaming
2684 machine areas may be open daily throughout the year. They may be
2685 open a cumulative total of 18 hours per day on Monday through
2686 Friday and 24 hours per day on Saturday and Sunday and on
2687 holidays specified in s. 110.117(1).

2688 551.517 Penalties.—The division may revoke or suspend an
2689 electronic gaming machine license issued under this part upon
2690 the willful violation by the licensee of any law or rule
2691 regulating electronic gaming. In lieu of suspending or revoking
2692 an electronic gaming machine license, the division may impose a
2693 civil penalty against the licensee for such violation. Except as
2694 otherwise provided in this part, the division may not impose a
2695 penalty that exceeds \$100,000 for each count or separate



409112

580-02518A-10

2696 offense. All fines collected must be deposited into the Pari-
2697 mutuel Wagering Trust Fund of the Department of Business and
2698 Professional Regulation.

2699 551.518 Compulsive or addictive gambling prevention
2700 program.-

2701 (1) Each electronic gaming machine licensee shall offer
2702 training to employees on responsible gaming and shall work with
2703 a compulsive or addictive gambling prevention program to
2704 recognize problem gaming situations and implement responsible
2705 gaming programs and practices.

2706 (2) The division shall, subject to competitive bidding,
2707 contract for services related to the prevention of compulsive
2708 and addictive gambling. The contract shall require an
2709 advertising program to encourage responsible gaming practices
2710 and publicize a gambling telephone help line. Such
2711 advertisements must be made both publicly and inside the
2712 designated electronic gaming machine areas of the licensee's
2713 facilities. The terms of any contract for such services shall
2714 include accountability standards for any private provider. The
2715 failure of a private provider to meet any material term of the
2716 contract, including the accountability standards, constitutes a
2717 breach of contract or grounds for nonrenewal.

2718 (3) The compulsive or addictive gambling prevention program
2719 shall be funded from an annual nonrefundable regulatory fee of
2720 \$250,000 paid by each licensee.

2721 551.519 Caterer's license.-An electronic gaming machine
2722 licensee is entitled to a caterer's license, pursuant to s.
2723 565.02, on days on which the pari-mutuel facility is open to the
2724 public for electronic gaming machine play.



409112

580-02518A-10

2725 551.520 Prohibited activities and devices; exceptions.-

2726 (1) Complimentary or reduced-cost alcoholic beverages may
2727 not be served to persons in the designated electronic gaming
2728 machine area. Alcoholic beverages served to persons in the
2729 designated electronic gaming machine area shall cost at least
2730 the same amount as alcoholic beverages served to the general
2731 public at any bar within the facility.

2732 (2) An electronic gaming machine licensee may not make
2733 loans, provide credit, or advance cash to enable a person to
2734 play an electronic gaming machine. This subsection does not
2735 prohibit automated ticket redemption machines that dispense cash
2736 from the redemption of tickets from being located in the
2737 designated electronic gaming machine area.

2738 (3) An automated teller machine or similar device designed
2739 to provide credit or dispense cash may not be located within the
2740 designated electronic gaming machine area.

2741 (4) (a) An electronic gaming machine licensee may not accept
2742 or cash a check from any person within the designated electronic
2743 gaming machine area of a facility.

2744 (b) Except as provided in paragraph (c) for employees of
2745 the facility, an electronic gaming machine licensee may not
2746 accept or cash for any person within the facility a government-
2747 issued check, third-party check, or payroll check made payable
2748 to an individual.

2749 (c) Outside the designated electronic gaming machine area,
2750 an electronic gaming machine licensee or operator may accept or
2751 cash a check for an employee of the facility who is prohibited
2752 from wagering on an electronic gaming machine under s.
2753 551.108(5), a check made directly payable to a person licensed



409112

580-02518A-10

2754 by the division, or a check made directly payable to the
2755 licensee or operator from:

- 2756 1. A pari-mutuel patron; or
2757 2. A pari-mutuel facility in any state.

2758 (d) Unless accepting or cashing a check is prohibited by
2759 this subsection, an electronic gaming machine licensee or
2760 operator may accept and deposit in its accounts checks received
2761 in the normal course of business.

2762 (5) An electronic gaming machine, or the computer operating
2763 system linked to an electronic gaming machine, may be linked to
2764 any other electronic gaming machine or computer operating system
2765 within this state.

2766 (6) An electronic gaming machine located within a licensed
2767 facility may accept tickets or electronic or account-based cards
2768 for wagering. Such machines may return or deliver payouts to the
2769 players in the form of tickets or electronic or account-based
2770 credits that may be exchanged for cash, merchandise, or other
2771 items of value. The use of coins, currency, credit or debit
2772 cards, tokens, or similar objects is prohibited.

2773 551.521 Rulemaking.—The division may adopt rules to
2774 administer this part.

2775 551.522 Preemption.—The Legislature finds and declares that
2776 it has exclusive authority over the conduct of all wagering
2777 occurring at electronic gaming machine facilities in this state.
2778 Only the Division of Pari-mutuel Wagering and other authorized
2779 state agencies may administer this part and regulate the
2780 electronic gaming machine industry, including operation of
2781 electronic gaming machine facilities, games, electronic gaming
2782 machines, and facilities-based computer systems authorized in



409112

580-02518A-10

2783 this part and the rules adopted by the division.

2784 551.523 Application to bingo games operated by charitable
2785 or nonprofit organizations.—Sections 551.501-551.522 do not
2786 apply to the use of player-operated bingo aides used in bingo
2787 games conducted by charitable, nonprofit, or veterans'
2788 organizations authorized to conduct bingo under s. 849.0931.
2789 Sections 551.501-551.522 do not apply to game promotions or
2790 operators regulated under s. 849.094.

2791 Section 4. Paragraph (x) is added to subsection (1) of
2792 section 215.22, Florida Statutes, to read:

2793 215.22 Certain income and certain trust funds exempt.—

2794 (1) The following income of a revenue nature or the
2795 following trust funds shall be exempt from the appropriation
2796 required by s. 215.20(1):

2797 (x) Taxes imposed on electronic gaming and electronic
2798 gaming machines at eligible pari-mutuel facilities.

2799 Section 5. The Department of Business and Professional
2800 Regulation may expend the unreserved cash balance in the Pari-
2801 mutuel Wagering Trust Fund received from other revenue sources
2802 to implement electronic gaming regulation and investigations
2803 during the 2010-2011 fiscal year. Before the use of such other
2804 revenues, the department shall submit a repayment plan for
2805 approval by the Executive Office of the Governor in consultation
2806 with the chair and vice chair of the Legislative Budget
2807 Commission. The department shall repay such funds using
2808 electronic gaming machine license revenue sources by April 1,
2809 2011. The repaid funds are subject to the requirements of s.
2810 550.135(2), Florida Statutes.

2811 Section 6. Subsection (11) and present subsection (38) of



409112

580-02518A-10

2812 section 550.002, Florida Statutes, are amended, present
2813 subsections (15) through (39) of that section are renumbered as
2814 subsections (16) through (40), respectively, and a new
2815 subsection (15) is added to that section, to read:

2816 550.002 Definitions.—As used in this chapter, the term:

2817 (11) "Full schedule of live racing or games" means, for a
2818 greyhound or jai alai permitholder, the conduct of a combination
2819 of at least 100 live evening or matinee performances during the
2820 preceding year; for a permitholder who has a converted permit or
2821 filed an application on or before June 1, 1990, for a converted
2822 permit, the conduct of a combination of at least 100 live
2823 evening and matinee wagering performances during either of the 2
2824 preceding years; for a jai alai permitholder who does not
2825 operate slot machines or electronic gaming machines in its pari-
2826 mutuel facility, who has conducted at least 100 live
2827 performances per year for at least 10 years after December 31,
2828 1992, and whose handle on live jai alai games conducted at its
2829 pari-mutuel facility has been less than \$4 million per state
2830 fiscal year for at least 2 consecutive years after June 30,
2831 1992, the conduct of a combination of at least 40 live evening
2832 or matinee performances during the preceding year; for a jai
2833 alai permitholder who operates slot machines or electronic
2834 gaming machines in its pari-mutuel facility, the conduct of a
2835 combination of at least 150 performances during the preceding
2836 year; for a harness permitholder, the conduct of at least 100
2837 live regular wagering performances during the preceding year;
2838 for a quarter horse permitholder, at its facility unless an
2839 alternative schedule of at least 20 live regular wagering
2840 performances is agreed upon by the permitholder and either the



409112

580-02518A-10

2841 Florida Quarter Horse Racing Association or the horsemen's
2842 association representing the majority of the quarter horse
2843 owners and trainers at the facility and filed with the division
2844 along with its annual date application, in the 2011-2012 fiscal
2845 year, the conduct of at least 20 regular wagering performances,
2846 in the 2012-2013 and 2013-2014 fiscal years, the conduct of at
2847 least 30 live regular wagering performances, and for every
2848 fiscal year after the 2013-2014 fiscal year, the conduct of at
2849 least 40 live regular wagering performances during the preceding
2850 year; for a quarter horse permitholder leasing another licensed
2851 racetrack, the conduct of 160 events at the leased facility; and
2852 for a thoroughbred permitholder, the conduct of at least 40 live
2853 regular wagering performances during the preceding year. For a
2854 permitholder which is restricted by statute to certain operating
2855 periods within the year when other members of its same class of
2856 permit are authorized to operate throughout the year, the
2857 specified number of live performances which constitute a full
2858 schedule of live racing or games shall be adjusted pro rata in
2859 accordance with the relationship between its authorized
2860 operating period and the full calendar year and the resulting
2861 specified number of live performances shall constitute the full
2862 schedule of live games for such permitholder and all other
2863 permitholders of the same class within 100 air miles of such
2864 permitholder. A live performance must consist of no fewer than
2865 eight races or games conducted live for each of a minimum of
2866 three performances each week at the permitholder's licensed
2867 facility under a single admission charge.

2868 (15) "Historical racing system" means a form of pari-mutuel
2869 wagering based on audio or video signals of in-state or out-of



409112

580-02518A-10

2870 state races which are sent from an in-state server and operated
2871 by a licensed totalisator company and which are displayed at
2872 individual wagering terminals at a licensed pari-mutuel
2873 facility.

2874 (39)~~(38)~~ "Year," for purposes of determining a full
2875 schedule of live racing, means the state fiscal year ~~calendar~~
2876 ~~year~~.

2877 Section 7. Paragraph (b) of subsection (1) of section
2878 550.0951, Florida Statutes, are amended, present subsections (5)
2879 and (6) of that section are renumbered as subsections (6) and
2880 (7), respectively, and amended, and a new subsection (5) is
2881 added to that section, to read:

2882 550.0951 Payment of daily license fee and taxes;
2883 penalties.—

2884 (1)

2885 (b) Each permitholder that cannot utilize the full amount
2886 of the exemption of \$360,000 or \$500,000 provided in s.
2887 550.09514(1) or the daily license fee credit provided in this
2888 section may, after notifying the division in writing, elect once
2889 per state fiscal year on a form provided by the division to
2890 transfer such exemption or credit or any portion thereof to any
2891 greyhound permitholder which acts as a host track to such
2892 permitholder for the purpose of intertrack wagering. Once an
2893 election to transfer such exemption or credit is filed with the
2894 division, it shall not be rescinded. The division shall
2895 disapprove the transfer when the amount of the exemption or
2896 credit or portion thereof is unavailable to the transferring
2897 permitholder or when the permitholder who is entitled to
2898 transfer the exemption or credit or who is entitled to receive



409112

580-02518A-10

2899 the exemption or credit owes taxes to the state pursuant to a
2900 deficiency letter or administrative complaint issued by the
2901 division. Upon approval of the transfer by the division, the
2902 transferred tax exemption or credit shall be effective for the
2903 first performance of the next payment ~~biweekly pay~~ period as
2904 specified in subsection (5). The exemption or credit transferred
2905 to such host track may be applied by such host track against any
2906 taxes imposed by this chapter or daily license fees imposed by
2907 this chapter. The greyhound permitholder host track to which
2908 such exemption or credit is transferred shall reimburse such
2909 permitholder the exact monetary value of such transferred
2910 exemption or credit as actually applied against the taxes and
2911 daily license fees of the host track. The division shall ensure
2912 that all transfers of exemption or credit are made in accordance
2913 with this subsection and shall have the authority to adopt rules
2914 to ensure the implementation of this section.

2915 (5) HISTORICAL RACING.-

2916 (a) Each permitholder conducting historical racing pursuant
2917 to 550.810 shall pay a tax equal to 4 percent of the handle from
2918 the historical racing system.

2919 (b) The permitholder, upon authorization to conduct
2920 historical racing pursuant to 550.810 and annually thereafter,
2921 on the anniversary date of the authorization, shall pay a fee to
2922 the division of \$1 million. The fee shall be deposited into the
2923 Pari-mutuel Wagering Trust Fund of the Department of Business
2924 and Professional Regulation to be used by the division and the
2925 Department of Law Enforcement for investigations, regulation of
2926 historical racing, and enforcement of historical racing
2927 provisions.



409112

580-02518A-10

2928 (6)~~(5)~~ PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments
2929 ~~Payment for the admission tax, tax on handle, and the breaks tax~~
2930 imposed by this section shall be paid to the division. The
2931 division shall deposit these sums with the Chief Financial
2932 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,
2933 hereby established. The permitholder shall remit to the division
2934 payment for the daily license fee, the admission tax, the tax on
2935 handle, and the breaks tax. Such payments shall be remitted by 3
2936 p.m. Wednesday of each week for taxes imposed and collected for
2937 the preceding week ending on Sunday. Beginning on July 1, 2012,
2938 such payments shall be remitted by 3 p.m. on the 5th day of each
2939 calendar month for taxes imposed and collected for the preceding
2940 calendar month. If the 5th day of the calendar month falls on a
2941 weekend, payments shall be remitted by 3 p.m. the first Monday
2942 following the weekend. Permitholders shall file a report under
2943 oath by the 5th day of each calendar month for all taxes
2944 remitted during the preceding calendar month. Such payments
2945 shall be accompanied by a report under oath showing the total of
2946 all admissions, the pari-mutuel wagering activities for the
2947 preceding calendar month, and such other information as may be
2948 prescribed by the division.

2949 (7)~~(6)~~ PENALTIES.—

2950 (a) The failure of any permitholder to make payments as
2951 prescribed in subsection (6) ~~(5)~~ is a violation of this section,
2952 and the permitholder may be subjected by the division to a civil
2953 penalty of up to \$1,000 for each day the tax payment is not
2954 remitted. All penalties imposed and collected shall be deposited
2955 in the General Revenue Fund. If a permitholder fails to pay
2956 penalties imposed by order of the division under this



409112

580-02518A-10

2957 subsection, the division may suspend or revoke the license of
2958 the permitholder, cancel the permit of the permitholder, or deny
2959 issuance of any further license or permit to the permitholder.

2960 (b) In addition to the civil penalty prescribed in
2961 paragraph (a), any willful or wanton failure by any permitholder
2962 to make payments of the daily license fee, admission tax, tax on
2963 handle, or breaks tax constitutes sufficient grounds for the
2964 division to suspend or revoke the license of the permitholder,
2965 to cancel the permit of the permitholder, or to deny issuance of
2966 any further license or permit to the permitholder.

2967 Section 8. Section 550.135, Florida Statutes, is amended to
2968 read:

2969 550.135 Division of moneys derived under this law.—All
2970 moneys that are deposited with the Chief Financial Officer to
2971 the credit of the Pari-mutuel Wagering Trust Fund shall be
2972 distributed as follows:

2973 (1) The daily license fee revenues collected pursuant to s.
2974 550.0951(1) shall be used to fund the operating cost of the
2975 division and to provide a proportionate share of the operation
2976 of the office of the secretary and the Division of
2977 Administration of the Department of Business and Professional
2978 Regulation; however, other collections in the Pari-mutuel
2979 Wagering Trust Fund may also be used to fund the operation of
2980 the division in accordance with authorized appropriations.

2981 (2) All unappropriated funds in excess of \$1.5 million in
2982 the Pari-mutuel Wagering Trust Fund, collected pursuant to this
2983 chapter, shall be deposited with the Chief Financial Officer to
2984 the credit of the General Revenue Fund.

2985 (3) The slot machine license fee, the slot machine



409112

580-02518A-10

2986 occupational license fee, and the compulsive or addictive
2987 gambling prevention program fee collected pursuant to ss.
2988 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the
2989 direct and indirect operating expenses of the division's slot
2990 machine regulation operations and to provide funding for
2991 relevant enforcement activities in accordance with authorized
2992 appropriations. Funds deposited into the Pari-mutuel Wagering
2993 Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118
2994 shall be reserved in the trust fund for slot machine regulation
2995 operations. On June 30, any unappropriated funds in excess of
2996 those necessary for incurred obligations and subsequent year
2997 cash flow for slot machine regulation operations shall be
2998 deposited with the Chief Financial Officer to the credit of the
2999 General Revenue Fund.

3000 (4) The electronic gaming machine license fee, the
3001 electronic gaming machine occupational license fee, and the
3002 compulsive or addictive gambling prevention program fee
3003 collected pursuant to ss. 551.507(1) and 551.518(3) shall be
3004 used to fund the direct and indirect operating expenses of the
3005 division's electronic gaming machine regulation operations and
3006 to provide funding for relevant enforcement activities in
3007 accordance with authorized appropriations. Funds deposited into
3008 the Pari-mutuel Wagering Trust Fund pursuant to ss. 551.507(1)
3009 and 551.518(3) shall be reserved in the trust fund for
3010 electronic gaming machine regulation and enforcement operations.
3011 On June 30, any unappropriated funds in excess of those
3012 necessary for incurred obligations and subsequent year cash flow
3013 for electronic gaming machine regulation and enforcement
3014 operations shall be deposited with the Chief Financial Officer



409112

580-02518A-10

3015 to the credit of the General Revenue Fund.

3016 Section 9. Section 550.810, Florida Statutes, is created to
3017 read:

3018 550.810 Historical racing.-

3019 (1) Subject to the requirements of this section and
3020 compliance with the rules adopted by the division, a licensed
3021 pari-mutuel facility may operate a historical racing system if:

3022 (a) No identifying information about any race or the
3023 competing horses or dogs in that race is revealed to a patron
3024 until after the patron's wagers is irrevocably placed;

3025 (b) The results of a patron's wager are shown to the patron
3026 using video or mechanical displays, or both, and the patron has
3027 the opportunity to view all or any portion of the race;

3028 (c) The historical racing takes place under a licensed
3029 pari-mutuel permit and the pari-mutuel permitholder also holds a
3030 cardroom license; and

3031 (d) The licensed pari-mutuel permitholder has paid the fee
3032 in s. 550.0951(5) (d).

3033 (2) (a) Historical racing may not be authorized to a
3034 permitholder licensed under this chapter to conduct live pari-
3035 mutuel wagering races or games unless the permitholder has on
3036 file with the division the following binding written agreements
3037 governing the payment of awards and purses on the handle
3038 generated from historical racing conducted at the licensee's
3039 pari-mutuel facility:

3040 1. For a thoroughbred permitholder, an agreement governing
3041 the payment of purses between the permitholder and the Florida
3042 Horsemen's Benevolent and Protective Association, Inc., or the
3043 association representing a majority of the thoroughbred owners



409112

580-02518A-10

3044 and trainers at the permitholder's eligible facility located as
3045 described in s. 550.615(9), and an agreement governing the
3046 payment of awards between the permitholder and the Florida
3047 Thoroughbred Breeders' Association;

3048 2. For a harness permitholder, an agreement governing the
3049 payment of purses and awards between the permitholder and the
3050 Florida Standardbred Breeders and Owners Association;

3051 3. For a greyhound permitholder, an agreement governing the
3052 payment of purses between the permitholder and the Florida
3053 Greyhound Association, Inc.;

3054 4. For a quarter horse permitholder, an agreement governing
3055 the payment of purses between the applicant and the Florida
3056 Quarter Horse Racing Association or the association representing
3057 a majority of the horse owners and trainers at the applicants
3058 eligible facility, and an agreement governing the payment of
3059 awards between the permitholder and the Florida Quarter Horse
3060 Breeders and Owners Association; or

3061 5. For a jai alai permitholder, an agreement governing the
3062 payment of player awards between the permitholder and the
3063 International Jai Alai Players Association or a binding written
3064 agreement approved by a majority of the jai alai players at the
3065 permitholder's eligible facility at which the applicant has a
3066 permit issued after January 1, 2000, to conduct jai alai.

3067 (b) The agreements may direct the payment of purses and
3068 awards from revenues generated by any wagering or games the
3069 applicant is authorized to conduct under state law. All purses
3070 and awards are subject to the terms of this chapter 550. All
3071 sums for breeders', stallion, and special racing awards shall be
3072 remitted monthly to the respective breeders association for the



409112

580-02518A-10

3073 payment of awards, subject to the administrative fees authorized
3074 under this chapter.

3075 (3) The number of historical racing wagering terminals may
3076 be as follows:

3077 (a) A licensed greyhound facility may have 500 historical
3078 racing terminals.

3079 (b) A licensed thoroughbred facility may have 500
3080 historical racing terminals.

3081 (c) A licensed harness track facility may have 500
3082 historical racing terminals.

3083 (d) A licensed quarter horse facility may have 500
3084 historical racing terminals.

3085 (e) A licensed jai alai facility may have 500 historical
3086 racing terminals.

3087 (4) The moneys wagered on races via the historical racing
3088 system shall be separated from the moneys wagered on live races
3089 conducted at, and on other races simulcast to, the licensee's
3090 facility.

3091 (5) The division shall adopt rules necessary to implement,
3092 administer, and regulate the operation of historical racing
3093 systems in this state. The rules must include:

3094 (a) Procedures for regulating, managing, and auditing the
3095 operation, financial data, and program information relating to
3096 historical racing systems which enable the division to audit the
3097 operation, financial data, and program information of the pari-
3098 mutuel facility authorized to operate a historical racing
3099 system.

3100 (b) Technical requirements to operate a historical racing
3101 system.



409112

580-02518A-10

3102 (c) Procedures to require licensees to maintain specified
3103 records and submit any data, information, record, or report,
3104 including financial and income records, required by this chapter
3105 or rules of the division.

3106 (d) Procedures relating to historical racing system
3107 revenues, including verifying and accounting for such revenues,
3108 auditing, and collecting taxes and fees.

3109 (e) Minimum standards for security of the facilities,
3110 including floor plans, security cameras, and other security
3111 equipment.

3112 (f) Procedures to ensure that a historical racing machine
3113 does not enter the state and be offered for play until it has
3114 been tested and certified by a licensed testing laboratory for
3115 play in the state. The procedures shall address measures to
3116 scientifically test and technically evaluate electronic gaming
3117 machines for compliance with laws and rules regulating
3118 historical racing machines. The division may contract with an
3119 independent testing laboratory to conduct any necessary testing.
3120 The independent testing laboratory must have a national
3121 reputation indicating that it is demonstrably competent and
3122 qualified to scientifically test and evaluate that the
3123 historical racing systems perform the functions required by laws
3124 and rules regulating historical racing machines. An independent
3125 testing laboratory may not be owned or controlled by a licensee.
3126 The selection of an independent laboratory for any purpose
3127 related to the conduct of historical racing systems by a
3128 licensee shall be made from a list of laboratories approved by
3129 the division. The division shall adopt rules regarding the
3130 testing, certification, control, and approval of historical



409112

580-02518A-10

3131 racine systems.

3132 (6) Notwithstanding any other provision of the law, the
3133 proceeds of pari-mutuel tickets purchased for historical racing
3134 which are not redeemed within 1 year after purchase shall be
3135 divided as follows:

3136 (a) Fifty percent shall be retained by the permitholder;
3137 and

3138 (b) Fifty percent shall be paid into the permitholder's
3139 purse account.

3140 Section 10. Section 551.101, Florida Statutes, is amended
3141 to read:

3142 551.101 Slot machine gaming authorized.—

3143 (1) Any licensed pari-mutuel facility located in Miami-Dade
3144 County or Broward County existing at the time of adoption of s.
3145 23, Art. X of the State Constitution that has conducted live
3146 racine or games during calendar years 2002 and 2003 may possess
3147 slot machines and conduct slot machine gaming at the location
3148 where the pari-mutuel permitholder is authorized to conduct
3149 pari-mutuel wagering activities pursuant to such permitholder's
3150 valid pari-mutuel permit provided that a majority of voters in a
3151 countywide referendum have approved slot machines at such
3152 facility in the respective county. Notwithstanding any other
3153 provision of law, it is not a crime for a person to participate
3154 in slot machine gaming at a pari-mutuel facility licensed to
3155 possess slot machines and conduct slot machine gaming or to
3156 participate in slot machine gaming described in this chapter.

3157 (2) Any licensed pari-mutuel facility located within a
3158 county, as defined in s. 125.011, may possess slot machines and
3159 conduct slot machine gaming at the location where the pari-



409112

580-02518A-10

3160 mutuel permitholder is authorized to conduct pari-mutuel
3161 wagering activities pursuant to such permitholder's valid pari-
3162 mutuel permit if such facility has conducted live racing or
3163 games for 2 consecutive calendar years immediately preceding its
3164 application for a slot machine license, pays the required
3165 license fee, and meets the other requirements of this chapter.

3166 (3) Any licensed pari-mutuel facility located outside
3167 Miami-Dade County or Broward County may possess slot machines
3168 and conduct slot machine gaming at the location where the pari-
3169 mutuel permitholder is authorized to conduct pari-mutuel
3170 wagering activities pursuant to such permitholder's valid pari-
3171 mutuel permit if a majority of voters have approved slot
3172 machines at such facilities in a countywide referendum held in
3173 the respective county where the facility is located, and if such
3174 facility has conducted a full schedule of live racing or games
3175 for 2 consecutive calendar years immediately preceding its
3176 application for a slot machine license, pays the required
3177 licensed fee, and meets the other requirements of this chapter.

3178 Section 11. Subsection (4) of section 551.102, Florida
3179 Statutes, is amended to read:

3180 551.102 Definitions.—As used in this chapter, the term:

3181 (4) "Eligible facility" means any licensed pari-mutuel
3182 facility located in Miami-Dade County or Broward County existing
3183 at the time of adoption of s. 23, Art. X of the State
3184 Constitution that has conducted live racing or games during
3185 calendar years 2002 and 2003 and has been approved by a majority
3186 of voters in a countywide referendum to have slot machines at
3187 such facility in the respective county, and any licensed pari-
3188 mutuel facility located within a county as defined in s.



409112

580-02518A-10

3189 125.011, provided such facility has conducted live racing or
3190 games for 2 consecutive calendar years immediately preceding its
3191 application for a slot machine license, pays the required
3192 license fee, and meets the other requirements of this chapter.
3193 Any licensed pari-mutuel facility located outside Miami-Dade
3194 County or Broward County may possess slot machines and conduct
3195 slot machine gaming at the location where the pari-mutuel
3196 permitholder is authorized to conduct pari-mutuel wagering
3197 activities pursuant to such permitholder's valid pari-mutuel
3198 permit, provided that a majority of voters have approved slot
3199 machines at such facilities in a countywide referendum held in
3200 the respective county where the facility is located, and
3201 provided such facility has conducted a full schedule of live
3202 racing or games for 2 consecutive calendar years immediately
3203 preceding its application for a slot machine license, pays the
3204 required licensed fee, and meets the other requirements of this
3205 chapter.

3206 Section 12. Paragraph (a) of subsection (2) of section
3207 849.086, Florida Statutes, is amended, and subsections (18) and
3208 (19) are added to that section, to read:

3209 849.086 Cardrooms authorized.—

3210 (2) DEFINITIONS.—As used in this section:

3211 (a) "Authorized game" means a game or series of games:

3212 1. Of poker or dominoes, which are played in a nonbanking
3213 manner;—

3214 2. Played in a banking manner, including blackjack or 21,
3215 baccarat, and chemin de fer authorized pursuant to subsection
3216 (18); or

3217 3. Played in a banking manner, including roulette, craps,



409112

580-02518A-10

3218 roulette-styled game, or craps-styled game authorized pursuant
3219 to subsection (19).

3220 (18) APPROVAL OF A BANKED CARD GAME.—

3221 (a) A cardroom licensee may conduct a card game in banking
3222 manner as provided in subparagraph (2)(a)2. if a majority of
3223 voters have approved the conduct of the card game at the
3224 cardroom facility in a countywide referendum conducted in the
3225 respective county where the cardroom is located.

3226 1. The proof that a referendum has been held and its
3227 results shall be submitted to the division in a form that the
3228 division may prescribe.

3229 2. The expense of each referendum held under the provisions
3230 of this subsection shall be borne by the licensee at whose
3231 facility the banked card game would be conducted.

3232 3. Each referendum held under the provisions of this
3233 subsection shall be held in accordance with the electoral
3234 procedures for ratification of permits, as provided in s.
3235 550.0651.

3236 (b) The banked card game authorized by this subsection may
3237 be conducted only if the cardroom licensee has complied with the
3238 security and licensing procedures established in chapter 551
3239 which are made applicable to conducting the game authorized by
3240 this subsection by the division by rule. The division shall have
3241 the same powers and duties as provided in s. 551.103.

3242 (19) APPROVAL OF ROULETTE AND CRAPS GAMES.—

3243 (a) A cardroom licensee may conduct a roulette, craps,
3244 roulette-styled game, or craps-styled game if a majority of
3245 voters have approved the conduct of the game at the cardroom
3246 facility in a countywide referendum conducted in the respective



409112

580-02518A-10

3247 county where the cardroom is located.

3248 1. The proof that a referendum has been held and its
3249 results shall be submitted to the division in a form that the
3250 division may prescribe.

3251 2. The expense of each referendum held under the provisions
3252 of this subsection shall be borne by the licensee at whose
3253 facility the roulette, craps, roulette-styled game, or craps-
3254 styled game would be conducted.

3255 3. Each referendum held under the provisions of this
3256 subsection shall be held in accordance with the electoral
3257 procedures for ratification of permits, as provided in s.
3258 550.0651.

3259 (b) A roulette, craps, roulette-styled game, or craps-
3260 styled game authorized by this subsection may be conducted only
3261 if the cardroom licensee has complied with the security and
3262 licensing procedures established in chapter 551 which are made
3263 applicable to conducting the games authorized by this subsection
3264 by the division by rule. The division shall have the same powers
3265 and duties as provided in s. 551.103.

3266 Section 13. Section 849.087, Florida Statutes, is created
3267 to read:

3268 849.087 Intrastate Internet poker authorized.—

3269 (1) Notwithstanding any other provision of law, it is not a
3270 crime for a person to participate in an intrastate Internet game
3271 as authorized by this section.

3272 (2) The Division of Pari-mutuel Wagering of the Department
3273 of Business and Professional Regulation shall regulate
3274 intrastate Internet poker sites to:

3275 (a) Ensure that intrastate Internet poker is offered for



409112

580-02518A-10

3276 play only in a manner that is lawful under the federal Unlawful
3277 Internet Gaming Enforcement Act of 2006 which authorizes a state
3278 to regulate and conduct intrastate Internet gambling, such as
3279 poker.

3280 (b) Create a contractual relationship with an Internet
3281 poker hub operator having the technical expertise to ensure that
3282 wagering authorized by this section is offered only to
3283 registered players who are physically present within the borders
3284 of the State of Florida at the time of play and who are 21 years
3285 of age or older.

3286 (c) Provide for a competitive procurement process to select
3287 Internet poker hub operators that are qualified to be licensed
3288 by the state and meet all statutory, regulatory, and contractual
3289 requirements of the state while protecting registered poker
3290 players.

3291 (d) Provide for a licensed cardroom operator to become a
3292 licensed provider of intrastate Internet poker through licensed
3293 Internet poker hub operators.

3294 (e) Ensure that the state is able to collect all taxes and
3295 fees revenues from the play of intrastate Internet poker.

3296 (f) Create a system to protect each registered poker
3297 player's private information and prevent fraud and identity
3298 theft and ensure that each financial transaction is processed in
3299 a secure and transparent fashion.

3300 (g) Ensure that the regulatory agency has unlimited access
3301 to the premises and records of the licensed Internet poker hub
3302 operator and cardroom affiliates to ensure strict compliance
3303 with its regulations concerning credit authorization, account
3304 access, and other security provisions.



409112

580-02518A-10

3305 (h) Require that each Internet poker hub operator provide
3306 registered poker players with accessible customer service.

3307 (i) Require that each Internet poker hub operator's site
3308 contain information relating to problem gambling, including a
3309 telephone number that an individual may call to seek information
3310 and assistance for a potential gambling addiction.

3311 (3) Upon submission of the initial application and proposal
3312 as established by rule, the Internet poker hub operator shall
3313 pay an initial fee of \$25,000 to compensate the division for
3314 reasonably anticipated costs to be incurred to conduct a
3315 comprehensive investigation of the applicant to determine if the
3316 applicant is legally, technically, and financially qualified to
3317 become the state's Internet poker hub operator and is suitable
3318 for licensure. The division may require, by rule, additional
3319 funds to complete the investigation. The division may set by
3320 rule, a procedure for refunding any unused amount of the filing
3321 fees.

3322 (4) The holder of a license to be an Internet poker hub
3323 operator in the state shall be financially and otherwise
3324 responsible for the operation of the intrastate Internet poker
3325 network and for the conduct of any employee involved in the
3326 operation of the online poker network. Prior to the issuance of
3327 the Internet poker hub operator license, each applicant for such
3328 license shall provide evidence of a surety bond in the amount of
3329 \$500,000, payable to the state, for each year that the licensee
3330 is licensed to be an Internet poker hub operator in the state.
3331 The bond shall be issued by a surety or sureties authorized to
3332 do business in the state and approved by the division and the
3333 state's Chief Financial Officer in his or her capacity as



409112

580-02518A-10

3334 treasurer of the division. The bond shall guarantee that an
3335 Internet poker hub operator fulfills all financial requirements
3336 of the contract. Such bond shall be kept in full force and
3337 effect by an Internet poker hub operator during the term of the
3338 license.

3339 (5) The annual cardroom operator license fee shall be
3340 \$1,000 to become a licensed provider of intrastate Internet
3341 poker. The annual license fee shall be deposited by the division
3342 with the Chief Financial Officer to the credit of the Pari-
3343 mutuel Wagering Trust Fund.

3344 (6) Each Internet poker hub operator shall pay a tax to the
3345 state of 20 percent of the monthly gross receipts derived from
3346 the play of intrastate Internet poker.

3347 (7) Each licensed cardroom operator shall use at least 4
3348 percent of its monthly gross receipts from the play of
3349 intrastate Internet poker to supplement pari-mutuel purses and
3350 prize money. The disposition of the intrastate Internet poker
3351 supplement may be decided by the contractual arrangement between
3352 the cardroom affiliate and the associations representing the
3353 respective horse racing breeders and owners, greyhound racing
3354 breeders and owners, or jai alai players, but it must be paid
3355 during the pari-mutuel permitholder's next ensuing meet.

3356 (8) The division shall adopt, pursuant to ss. 120.536(1)
3357 and 120.54, all rules necessary to implement, administer, and
3358 regulate intrastate Internet poker as authorized by this
3359 section.

3360 Section 14. Subsection (2) of section 849.15, Florida
3361 Statutes, is amended to read:

3362 849.15 Manufacture, sale, possession, etc., of coin-



409112

580-02518A-10

3363 operated devices prohibited.-

3364 (2) Pursuant to section 2 of that chapter of the Congress
3365 of the United States entitled "An act to prohibit transportation
3366 of gaming devices in interstate and foreign commerce," approved
3367 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
3368 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
3369 acting by and through the duly elected and qualified members of
3370 its Legislature, does hereby in this section, and in accordance
3371 with and in compliance with the provisions of section 2 of such
3372 chapter of Congress, declare and proclaim that any county of the
3373 State of Florida within which slot machine gaming is authorized
3374 pursuant to chapter 551 or electronic gaming or historical
3375 racing is authorized at eligible pari-mutuel facilities is
3376 exempt from the provisions of section 2 of that chapter of the
3377 Congress of the United States entitled "An act to prohibit
3378 transportation of gaming devices in interstate and foreign
3379 commerce," designated as 15 U.S.C. ss. 1171-1177, approved
3380 January 2, 1951. All shipments of gaming devices, including slot
3381 machines, electronic gaming machines, and historical racing
3382 systems, into any county of this state within which slot machine
3383 gaming is authorized pursuant to chapter 551 or electronic
3384 gaming or historical racing is authorized at eligible pari-
3385 mutuel facilities, and the registering, recording, and labeling
3386 of which have been duly performed by the manufacturer or
3387 distributor thereof in accordance with sections 3 and 4 of that
3388 chapter of the Congress of the United States entitled "An act to
3389 prohibit transportation of gaming devices in interstate and
3390 foreign commerce," approved January 2, 1951, being ch. 1194, 64
3391 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,



409112

580-02518A-10

3392 shall be deemed legal shipments thereof into this state provided
3393 the destination of such shipments is an eligible facility as
3394 defined in s. 551.102 or the facility of a slot machine
3395 manufacturer or slot machine distributor as provided in s.
3396 551.109(2), a certified educational facility, or the facility of
3397 an electronic gaming machine or historical racing system
3398 manufacturer or electronic gaming machine or historical racing
3399 system distributor authorized to possess electronic gaming
3400 machines as provided in the act authorizing electronic gaming
3401 machines or historical racing systems at eligible pari-mutuel
3402 facilities ~~s. 551.109(2)(a).~~

3403 Section 15. Subsection (3) is added to section 849.161,
3404 Florida Statutes, to read:

3405 849.161 Amusement games or machines; when chapter
3406 inapplicable.—

3407 (3) Except as provided in ss. 849.086 and 849.087, this
3408 chapter does not apply to licensed cardroom operators having
3409 historical racing systems pursuant to chapter 550 which operate
3410 by means of the insertion of coin, currency, or voucher and
3411 which by application of an element of skill may entitle the
3412 person playing or operating the game or machine to receive
3413 payouts from one or more pari-mutuel pools.

3414 Section 16. Subsections (1) and (2) of section 895.02,
3415 Florida Statutes, are amended to read:

3416 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

3417 (1) "Racketeering activity" means to commit, to attempt to
3418 commit, to conspire to commit, or to solicit, coerce, or
3419 intimidate another person to commit:

3420 (a) Any crime that is chargeable by petition, indictment,



409112

580-02518A-10

3421 or information under the following provisions of the Florida
3422 Statutes:

- 3423 1. Section 210.18, relating to evasion of payment of
3424 cigarette taxes.
- 3425 2. Section 316.1935, relating to fleeing or attempting to
3426 elude a law enforcement officer and aggravated fleeing or
3427 eluding.
- 3428 3. Section 403.727(3)(b), relating to environmental
3429 control.
- 3430 4. Section 409.920 or s. 409.9201, relating to Medicaid
3431 fraud.
- 3432 5. Section 414.39, relating to public assistance fraud.
- 3433 6. Section 440.105 or s. 440.106, relating to workers'
3434 compensation.
- 3435 7. Section 443.071(4), relating to creation of a fictitious
3436 employer scheme to commit unemployment compensation fraud.
- 3437 8. Section 465.0161, relating to distribution of medicinal
3438 drugs without a permit as an Internet pharmacy.
- 3439 9. Section 499.0051, relating to crimes involving
3440 contraband and adulterated drugs.
- 3441 10. Part IV of chapter 501, relating to telemarketing.
- 3442 11. Chapter 517, relating to sale of securities and
3443 investor protection.
- 3444 12. Section 550.235, s. 550.3551, or s. 550.3605, relating
3445 to dogracing and horseracing.
- 3446 13. Chapter 550, relating to jai alai frontons.
- 3447 14. Section 550.810, relating to historical racing systems
3448 at eligible pari-mutuel facilities.
- 3449 15.14. Section 551.109, relating to slot machine gaming.



409112

580-02518A-10

3450 16. Part II of chapter 551, relating to electronic gaming
3451 at eligible pari-mutuel facilities.

3452 ~~17.15.~~ Chapter 552, relating to the manufacture,
3453 distribution, and use of explosives.

3454 ~~18.16.~~ Chapter 560, relating to money transmitters, if the
3455 violation is punishable as a felony.

3456 ~~19.17.~~ Chapter 562, relating to beverage law enforcement.

3457 ~~20.18.~~ Section 624.401, relating to transacting insurance
3458 without a certificate of authority, s. 624.437(4)(c)1., relating
3459 to operating an unauthorized multiple-employer welfare
3460 arrangement, or s. 626.902(1)(b), relating to representing or
3461 aiding an unauthorized insurer.

3462 ~~21.19.~~ Section 655.50, relating to reports of currency
3463 transactions, when such violation is punishable as a felony.

3464 ~~22.20.~~ Chapter 687, relating to interest and usurious
3465 practices.

3466 ~~23.21.~~ Section 721.08, s. 721.09, or s. 721.13, relating to
3467 real estate timeshare plans.

3468 ~~24.22.~~ Section 775.13(5)(b), relating to registration of
3469 persons found to have committed any offense for the purpose of
3470 benefiting, promoting, or furthering the interests of a criminal
3471 gang.

3472 ~~25.23.~~ Section 777.03, relating to commission of crimes by
3473 accessories after the fact.

3474 ~~26.24.~~ Chapter 782, relating to homicide.

3475 ~~27.25.~~ Chapter 784, relating to assault and battery.

3476 ~~28.26.~~ Chapter 787, relating to kidnapping or human
3477 trafficking.

3478 ~~29.27.~~ Chapter 790, relating to weapons and firearms.



409112

580-02518A-10

3479 ~~30.28.~~ Chapter 794, relating to sexual battery, but only if
3480 such crime was committed with the intent to benefit, promote, or
3481 further the interests of a criminal gang, or for the purpose of
3482 increasing a criminal gang member's own standing or position
3483 within a criminal gang.

3484 ~~31.29.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
3485 s. 796.05, or s. 796.07, relating to prostitution and sex
3486 trafficking.

3487 ~~32.30.~~ Chapter 806, relating to arson and criminal
3488 mischief.

3489 ~~33.31.~~ Chapter 810, relating to burglary and trespass.

3490 ~~34.32.~~ Chapter 812, relating to theft, robbery, and related
3491 crimes.

3492 ~~35.33.~~ Chapter 815, relating to computer-related crimes.

3493 ~~36.34.~~ Chapter 817, relating to fraudulent practices, false
3494 pretenses, fraud generally, and credit card crimes.

3495 ~~37.35.~~ Chapter 825, relating to abuse, neglect, or
3496 exploitation of an elderly person or disabled adult.

3497 ~~38.36.~~ Section 827.071, relating to commercial sexual
3498 exploitation of children.

3499 ~~39.37.~~ Chapter 831, relating to forgery and counterfeiting.

3500 ~~40.38.~~ Chapter 832, relating to issuance of worthless
3501 checks and drafts.

3502 ~~41.39.~~ Section 836.05, relating to extortion.

3503 ~~42.40.~~ Chapter 837, relating to perjury.

3504 ~~43.41.~~ Chapter 838, relating to bribery and misuse of
3505 public office.

3506 ~~44.42.~~ Chapter 843, relating to obstruction of justice.

3507 ~~45.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,



409112

580-02518A-10

3508 or s. 847.07, relating to obscene literature and profanity.
3509 ~~46.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
3510 s. 849.25, relating to gambling.
3511 ~~47.45.~~ Chapter 874, relating to criminal gangs.
3512 ~~48.46.~~ Chapter 893, relating to drug abuse prevention and
3513 control.
3514 ~~49.47.~~ Chapter 896, relating to offenses related to
3515 financial transactions.
3516 ~~50.48.~~ Sections 914.22 and 914.23, relating to tampering
3517 with or harassing a witness, victim, or informant, and
3518 retaliation against a witness, victim, or informant.
3519 ~~51.49.~~ Sections 918.12 and 918.13, relating to tampering
3520 with jurors and evidence.
3521 (b) Any conduct defined as "racketeering activity" under 18
3522 U.S.C. s. 1961(1).
3523 (2) "Unlawful debt" means any money or other thing of value
3524 constituting principal or interest of a debt that is legally
3525 unenforceable in this state in whole or in part because the debt
3526 was incurred or contracted:
3527 (a) In violation of any one of the following provisions of
3528 law:
3529 1. Section 550.235, s. 550.3551, or s. 550.3605, relating
3530 to dogracing and horseracing.
3531 2. Chapter 550, relating to jai alai frontons.
3532 3. Section 550.810, relating to historical racing systems
3533 at eligible pari-mutuel facilities.
3534 ~~4.3.~~ Section 551.109, relating to slot machine gaming.
3535 5. Part II of chapter 551, relating to electronic gaming at
3536 eligible pari-mutuel facilities.



409112

580-02518A-10

3537 ~~6.4.~~ Chapter 687, relating to interest and usury.
3538 ~~7.5.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
3539 849.25, relating to gambling.

3540 (b) In gambling activity in violation of federal law or in
3541 the business of lending money at a rate usurious under state or
3542 federal law.

3543 Section 17. The Attorney General is directed to request the
3544 United States Attorneys for the appropriate federal districts in
3545 Florida to take criminal and civil action under the authority of
3546 18 U.S.C. s. 1166 to require the Seminole Tribe of Florida to
3547 cease and desist from conducting the illegal Class III gaming at
3548 its facilities in Florida, including slot machine gaming and
3549 banked table games, until a tribal-state compact has been
3550 ratified by the Florida Legislature authorizing Class III games
3551 pursuant to 25 U.S.C. s. 2710 and the decision of the Florida
3552 Supreme Court in Florida House of Representatives, et al. v. The
3553 Honorable Charles J. Crist, Jr., etc., No. SC07-2154 (2008).

3554 Section 18. The authority granted to the Governor by ss.
3555 285.710 and 285.711, Florida Statutes, as amended by this act,
3556 to negotiate and execute a compact expires at 11:59 p.m. on the
3557 60th day after this act becomes a law.

3558 Section 19. (1) The Governor is the designated state
3559 officer responsible for negotiating and executing, on behalf of
3560 the state, tribal-state gaming compacts with federally
3561 recognized Indian tribes located within the State of Florida
3562 pursuant to the federal Indian Gaming Regulatory Act of 1988, 18
3563 U.S.C. ss. 1166-1168, and 25 U.S.C. s. 2701 et seq., for the
3564 purpose of authorizing class III gaming, as defined in that act,
3565 on Indian lands within this state.



409112

580-02518A-10

3566 (2) Any tribal-state compact relating to gaming activities
3567 which is entered into by an Indian tribe in this state and the
3568 Governor pursuant to subsection (1) must be conditioned upon
3569 ratification by the Legislature.

3570 (3) Following completion of negotiations and execution of a
3571 compact, the Governor shall submit a copy of the executed
3572 tribal-state compact to the President of the Senate and the
3573 Speaker of the House of Representatives as soon as it is
3574 executed. The compact must be ratified by a majority vote by
3575 both houses of the Legislature. The Governor shall file the
3576 executed compact with the Secretary of State pursuant to s.
3577 15.01, Florida Statutes.

3578 (4) Upon receipt of an act ratifying the tribal-state
3579 compact, the Secretary of State shall forward a copy of the
3580 executed compact and the ratifying act to the United States
3581 Secretary of the Interior for his or her review and approval, in
3582 accordance with 25 U.S.C. s. 2710(8)(d).

3583 Section 20. (1)(a) For the 2010-2011 fiscal year, 51 full-
3584 time equivalent positions and 2,150,146 in associated salary
3585 rate are authorized, and the sums of \$2,269,319 in recurring
3586 funds and \$893,689 in nonrecurring funds are appropriated from
3587 the Pari-mutuel Wagering Trust Fund of the Department of
3588 Business and Professional Regulation for the purpose of carrying
3589 out all regulatory activities provided in this act. The
3590 Executive Office of the Governor shall place these positions,
3591 associated rate, and funds in reserve until the Executive Office
3592 of the Governor has approved an expenditure plan and a budget
3593 amendment submitted by the Department of Business and
3594 Professional Regulation recommending the transfer of such funds



409112

580-02518A-10

3595 to traditional appropriation categories. Any action proposed
3596 pursuant to this paragraph is subject to the procedures set
3597 forth in s. 216.177, Florida Statutes.

3598 (b) For the 2010-2011 fiscal year, the sum of \$2,777,606 in
3599 recurring funds is appropriated from the Pari-mutuel Wagering
3600 Trust Fund of the Department of Business and Professional
3601 Regulation for transfer to the Operating Trust Fund of the
3602 Department of Law Enforcement for the purpose of investigations,
3603 intelligence gathering, background investigations, and any other
3604 responsibilities as provided in this act.

3605 (2) For the 2010-2011 fiscal year, 39 full-time equivalent
3606 positions and 1,700,939 in associated salary rate are
3607 authorized, and the sum of \$2,777,606 in recurring funds is
3608 appropriated from the Operating Trust Fund of the Department of
3609 Law Enforcement for the purpose of investigations, intelligence
3610 gathering, background investigations, and any other
3611 responsibilities as provided by this act. The Executive Office
3612 of the Governor shall place these positions, associated rate,
3613 and funds in reserve until the Executive Office of the Governor
3614 has approved an expenditure plan and a budget amendment
3615 submitted by the Department of Law Enforcement recommending the
3616 transfer of such funds to traditional appropriation categories.
3617 Any action proposed pursuant to this subsection is subject to
3618 the procedures set forth in s. 216.177, Florida Statutes.

3619 (3) For the 2010-2011 fiscal year, the sum of \$1 million in
3620 recurring funds is appropriated from the Pari-mutuel Wagering
3621 Trust Fund of the Department of Business and Professional
3622 Regulation from revenues received pursuant to s. 551.118,
3623 Florida Statutes, for contract services related to the



409112

580-02518A-10

3624 prevention of compulsive and addictive gambling.

3625 Section 21. Section 26 of chapter 2009-170, Laws of
3626 Florida, is amended to read:

3627 Section 26. Sections 1 through 3 of this act and this
3628 section shall take effect upon becoming law. Sections 4 through
3629 25 shall take effect on the date that Senate Bill 622, 2010
3630 Regular Session, or similar legislation becomes a law only if
3631 ~~the Governor and an authorized representative of the Seminole~~
3632 ~~Tribe of Florida execute an Indian Gaming Compact pursuant to~~
3633 ~~the Indian Gaming Regulatory Act of 1988 and requirements of~~
3634 ~~this act, only if the compact is ratified by the Legislature,~~
3635 ~~and only if the compact is approved or deemed approved, and not~~
3636 ~~voided pursuant to the terms of this act, by the Department of~~
3637 ~~the Interior, and such sections take effect on the date that the~~
3638 ~~approved compact is published in the Federal Register.~~

3639 Section 22. Sections 1, 2, 18, 19, and 21 of this act and
3640 this section shall take effect upon this act becoming a law.
3641 Sections 3 through 17 and section 20 of this act shall take
3642 effect on the 61st day after this act becomes a law if the
3643 Governor and the Seminole Tribe of Florida have not executed a
3644 compact pursuant to the provisions of ss. 285.710 and 285.711,
3645 Florida Statutes, as amended by this act. If the Legislature
3646 fails to ratify the compact executed pursuant to the provisions
3647 of ss. 285.710 and 285.711, Florida Statutes, as amended by this
3648 act, at the next ensuing regular or special session of the
3649 Legislature after the compact is executed, sections 3 through 17
3650 and section 20 of this act shall take effect on the day after
3651 the Legislature adjourns the next ensuing regular or special
3652 session or any extension thereof, sine die.