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RI.RI.03037

Proposed Committee Substitute by the Committee on Regulated Industries

A bill to be entitled

An act relating to gaming; providing legislative intent regarding a tribal-state compact; amending s. 285.710, F.S.; clarifying that the tribal-state compact executed by the Governor and the Seminole Tribe of Florida on November 14, 2007, is void and not in effect; providing that the tribal-state compact executed by the Seminole Tribe of Florida and the Governor on August 28, 2009, and August 31, 2009, respectively, is void and not in effect; creating s. 285.712, F.S.; designating the Governor as the official to negotiate tribal-state compacts; providing for ratification of tribal-state compacts by the Legislature; providing for submission of the tribal-state compact to the Legislature and Secretary of State; providing for submission of the tribal-state compact to the Secretary of the Interior; amending s. 26 of chapter 2009-170, Laws of Florida, relating to the effective date of a prior act of the Legislature relating to gaming; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. It is the intent of the Legislature to review any tribal-state gaming compact executed between the Governor and the Seminole Tribe of Florida. It is further the intent of



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28 the Legislature to ratify the compact if it is in the best
29 interests of the people of the State of Florida.

30 Section 2. Subsection (2) of section 285.710, Florida
31 Statutes, is amended to read:

32 285.710 Compact authorization.—

33 (2) (a) The agreement executed by the Governor and the
34 Seminole Tribe of Florida on November 14, 2007, published in the
35 Federal Register on January 7, 2008, and subsequently
36 invalidated by the Florida Supreme Court in the case of *Florida*
37 *House of Representatives, et al. v. The Honorable Charles J.*
38 *Crist, Jr., etc.,* No. SC07-2154, (2008) is not ratified or
39 approved by the Legislature and is void and is not in effect.

40 (b) The agreement executed by the Seminole Tribe of Florida
41 and the Governor on August 28, 2009, and August 31, 2009,
42 respectively, and transmitted to the President of the Senate and
43 the Speaker of the House of Representatives, is not ratified or
44 approved by the Legislature and is void and not in effect.

45 Section 3. Section 285.712, Florida Statutes, is created to
46 read:

47 285.712 Tribal-state gaming compacts—

48 (1) The Governor is the designated state officer
49 responsible for negotiating and executing, on behalf of the
50 state, tribal-state gaming compacts with federally recognized
51 Indian tribes located within the State of Florida pursuant to
52 the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss.
53 1166-1168, and 25 U.S.C. s. 2701 et seq., for the purpose of
54 authorizing class III gaming, as defined in that act, on Indian
55 lands within this state.

56 (2) Any tribal-state compact relating to gaming activities



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57 which is entered into by an Indian tribe in this state and the
58 Governor pursuant to subsection (1) must be conditioned upon
59 ratification by the Legislature.

60 (3) Following completion of negotiations and execution of a
61 compact, the Governor shall submit a copy of the executed
62 tribal-state compact to the President of the Senate and the
63 Speaker of the House of Representatives as soon as it is
64 executed. To be effective, the compact must be ratified by a
65 majority vote by both houses of the Legislature. The Governor
66 shall file the executed compact with the Secretary of State
67 pursuant to s. 15.01, Florida Statutes.

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

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

75 Section 26. Sections 1 through 3 of this act and this
76 section shall take effect upon becoming law. Sections 4 through
77 25 shall take effect on the date that Senate Bill 622, 2010
78 Regular Session, or similar legislation becomes a law only if
79 ~~the Governor and an authorized representative of the Seminole~~
80 ~~Tribe of Florida execute an Indian Gaming Compact pursuant to~~
81 ~~the Indian Gaming Regulatory Act of 1988 and requirements of~~
82 ~~this act, only if the compact is ratified by the Legislature,~~
83 ~~and only if the compact is approved or deemed approved, and not~~
84 ~~voided pursuant to the terms of this act, by the Department of~~
85 ~~the Interior, and such sections take effect on the date that the~~



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86 ~~approved compact is published in the Federal Register.~~

87 Section 5. This act shall take effect upon becoming a law.