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1
2 An act relating to gaming; amending s. 285.710, F.S.,
3 relating to compact authorization; providing
4 definitions; providing that specified agreements
5 executed by the Seminole Tribe of Florida and the
6 Governor are void and not in effect; ratifying and
7 approving a specified compact executed by the Tribe
8 and the Governor; directing the Governor to cooperate
9 with the Tribe in seeking approval of the compact from
10 the United States Secretary of the Interior; revising
11 powers and duties of the Governor regarding a compact
12 and amendments to a compact between the Tribe and the
13 state; revising a provision that specifies that the
14 compact is invalid if certain provisions are held
15 invalid by a court or the United States Department of
16 the Interior; revising a provision for the effect on
17 the compact of certain changes to the Indian Gaming
18 Regulatory Act; removing a provision directing the
19 Governor to ensure certain funds received are
20 deposited in a specified fund; removing a provision
21 for expiration of certain authority granted to the
22 Governor; removing a provision that expresses
23 legislative intent; revising duties of the Governor to
24 execute an agreement for application of certain state
25 taxes on Indian lands; providing for distribution of
26 certain moneys paid to the state; providing for the
27 calculation and distribution of a local government
28 share of such moneys; revising provisions for moneys
29 remitted by the Tribe to the state before the

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30 effective date of the compact; providing for deposit
31 of the moneys into the General Revenue Fund; revising
32 provisions that authorize certain gaming activity;
33 repealing s. 285.711, F.S., relating to a gaming
34 compact between the Seminole Tribe and the State of
35 Florida; creating s. 285.712, F.S.; providing that the
36 Governor is the designated state officer responsible
37 for negotiating and executing, on behalf of the state,
38 tribal-state gaming compacts with certain Indian
39 tribes; requiring any such compact to be conditioned
40 on ratification by the Legislature; providing
41 procedures for ratification of a compact and
42 submission to the United States Secretary of the
43 Interior for review and approval; amending s. 26 of
44 chapter 2009-170, Laws of Florida, an act relating to
45 gaming; revising the effective date for provisions of
46 that act to remove contingency requirements applicable
47 to provisions relating to the pari-mutuel industry;
48 providing a date for those provisions to take effect;
49 providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Section 285.710, Florida Statutes, is amended to
54 read:

55 285.710 Compact authorization.—

56 (1) As Terms used in this section, the term: ~~have the same~~
57 ~~meaning as provided in s. 285.711.~~

58 (a) "Compact" means the Gaming Compact between the Seminole

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59 Tribe of Florida and the State of Florida, executed on April 7,
60 2010.

61 (b) "Covered games" means the games authorized for the
62 Seminole Tribe of Florida under the compact.

63 (c) "Documents" means books, records, electronic, magnetic
64 and computer media documents, and other writings and materials,
65 copies thereof, and information contained therein.

66 (d) "Indian Gaming Regulatory Act" or "IGRA" means the
67 Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17,
68 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq.,
69 and 18 U.S.C. ss. 1166-1168.

70 (e) "State" means the State of Florida.

71 (f) "State compliance agency" means the Division of Pari-
72 mutuel Wagering of the Department of Business and Professional
73 Regulation which is designated as the state agency having the
74 authority to carry out the state's oversight responsibilities
75 under the compact.

76 (g) "Tribe" means the Seminole Tribe of Florida or any
77 affiliate thereof conducting activities pursuant to the compact
78 under the authority of the Seminole Tribe of Florida have the
79 same meaning as provided in s. 285.711.

80 (2)(a) The agreement executed by the Governor and the Tribe
81 on November 14, 2007, published in the Federal Register on
82 January 7, 2008, and subsequently invalidated by the Florida
83 Supreme Court in the case of *Florida House of Representatives,*
84 *et al. v. The Honorable Charles J. Crist*, No. SC07-2154, (2008),
85 is not ratified or approved by the Legislature, ~~and~~ is void, ~~and~~
86 is not in effect.

87 (b) The agreement executed by the Governor and the Tribe on

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88 August 28, 2009, and August 31, 2009, respectively, and
89 transmitted to the President of the Senate and the Speaker of
90 the House of Representatives, is not ratified or approved by the
91 Legislature, is void, and is not in effect.

92 (3) The Gaming Compact between the Seminole Tribe of
93 Florida and the State of Florida, executed by the Governor and
94 the Tribe on April 7, 2010, is ratified and approved. The
95 Governor shall cooperate with the Tribe in seeking approval of
96 the compact from the United States Secretary of the Interior.

97 ~~(3) Subject to the limitations in s. 285.711, the Governor~~
98 ~~is hereby authorized and directed to negotiate and execute a~~
99 ~~compact on behalf of the state with the Tribe pursuant to the~~
100 ~~federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss.~~
101 ~~1166-1168, and 25 U.S.C. ss. 2701 et seq., and this act for the~~
102 ~~purpose of authorizing Class III gaming on Seminole lands within~~
103 ~~this state. Any such compact shall not be deemed entered into by~~
104 ~~the state unless and until it is ratified by the Legislature.~~

105 ~~(4) The Governor is authorized to bind the state to any~~
106 ~~amendment to the compact that is consistent with the terms and~~
107 ~~standards in this section and s. 285.711, provided that any~~
108 ~~amendment to provisions relating to covered games, the amount of~~
109 ~~revenue sharing payments, suspension or reduction of payments,~~
110 ~~or exclusivity shall require ratification by the Legislature.~~

111 ~~(5) (a) The Governor shall provide a copy of the compact to~~
112 ~~the President of the Senate and the Speaker of the House of~~
113 ~~Representatives as soon as it is executed. The compact shall not~~
114 ~~be submitted to the Department of the Interior by or on behalf~~
115 ~~of the state or the Tribe until it has been ratified by the~~
116 ~~Legislature.~~

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117 ~~(b) The Governor shall provide a copy of any amendment to~~
118 ~~the compact to the President of the Senate and the Speaker of~~
119 ~~the House of Representatives as soon as it is executed and~~
120 ~~before or simultaneous with its submission to the Department of~~
121 ~~the Interior, provided that any amendment requiring ratification~~
122 ~~by the Legislature shall not be submitted to the Department of~~
123 ~~the Interior for approval until such ratification has occurred.~~

124 (4)~~(6)~~ The Governor shall preserve all documents, if any,
125 which relate to the intent or interpretation of the compact, and
126 maintain such documents for at least the term of the compact.

127 (5)~~(7)~~ If any provision of the compact relating to covered
128 games, revenue-sharing payments, suspension or reduction in
129 payments, or exclusivity is held by a court of competent
130 jurisdiction or by the Department of the Interior to be invalid,
131 the compact is void.

132 (6)~~(8)~~ If ~~In~~ the event that a subsequent change to the
133 Indian Gaming Regulatory Act, or to an implementing regulation
134 thereof, mandates the retroactive application of such change
135 without the respective consent of the state or Tribe, the
136 compact is void if the change ~~it~~ materially alters any provision
137 ~~the terms and standards~~ in the compact relating to the covered
138 games, revenue-sharing payments, suspension or reduction of
139 payments, or exclusivity.

140 ~~(9) The Governor shall ensure that all revenue sharing~~
141 ~~received pursuant to the compact and agreement executed by the~~
142 ~~Governor and the Tribe on November 14, 2007, is deposited into~~
143 ~~the Education Enhancement Trust Fund provided that, if necessary~~
144 ~~to comply with any covenant established pursuant to s.~~

145 ~~1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred~~

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146 ~~to the Educational Enhancement Trust Fund shall be first~~
147 ~~available to pay debt service on lottery bonds issued to fund~~
148 ~~school construction in the event lottery revenues are~~
149 ~~insufficient for such purpose or to satisfy debt service reserve~~
150 ~~requirements established in connection with lottery bonds.~~

151 ~~(10) Except for the authority granted to the Governor in~~
152 ~~subsections (4) and (13), the authority granted to the Governor~~
153 ~~by this section and s. 285.711 expires at 11:59 p.m. on August~~
154 ~~31, 2009.~~

155 ~~(11) It is the intent of the Legislature to review a~~
156 ~~compact entered into under the provisions of this section within~~
157 ~~5 years after the compact is approved. It is the intent of the~~
158 ~~Legislature to consider the authorization of additional Class~~
159 ~~III games for operation by the Tribe based upon successful~~
160 ~~implementation of the compact and the history of compliance with~~
161 ~~the compact.~~

162 ~~(7)(12)~~ The Division of Pari-mutuel Wagering of the
163 Department of Business and Professional Regulation is designated
164 as the state compliance agency having the authority to carry out
165 the state's oversight responsibilities under the a compact
166 authorized by this section ~~act~~.

167 ~~(8)(13)~~(a) The Governor is authorized ~~and directed~~ to
168 execute an agreement on behalf of the state ~~of Florida~~ with the
169 Indian tribes in this state, acting on a government-to-
170 government basis, to develop and implement a fair and workable
171 arrangement to apply state taxes on persons and transactions on
172 Indian lands. Such agreements shall address the imposition of
173 specific taxes, including sales taxes and exemptions from those
174 taxes.

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175 (b) The agreement shall address the Tribe's collection and
176 remittance of sales taxes imposed by chapter 212 to the
177 Department of Revenue. The sales taxes collected and remitted by
178 the Tribe shall be based on all sales to non-tribal members,
179 except those non-tribal members who hold valid exemption
180 certificates issued by the Department of Revenue, exempting the
181 sales from taxes imposed by chapter 212.

182 (c) The agreement shall require the Tribe to register with
183 the Department of Revenue and remit to the Department of Revenue
184 the taxes collected.

185 (d) The agreement shall require the Tribe to retain for at
186 least a period of 5 years records of all sales to non-tribal
187 members which are subject to taxation under chapter 212. The
188 agreement shall permit the Department of Revenue to conduct an
189 audit not more often than annually in order to verify such
190 collections. The agreement shall require the Tribe to provide
191 reasonable access during normal operating hours to records of
192 transactions subject to the taxes collected.

193 (e) The agreement shall provide a procedure for the
194 resolution of any disputes about the amounts collected pursuant
195 to the agreement. For purposes of the agreement for the
196 collection and remittance of sales taxes, the agreement must
197 provide that the Tribe agrees to waive its immunity, except that
198 the state may seek monetary damages limited to the amount of
199 taxes owed.

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

203 (9) The moneys paid by the Tribe to the state for the

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204 benefit of exclusivity under the compact ratified by this
205 section shall be deposited into the General Revenue Fund. Three
206 percent of the amount paid by the Tribe to the state shall be
207 designated as the local government share and shall be
208 distributed as provided in subsections (10) and (11).

209 (10) The calculations necessary to determine the local
210 government share distributions shall be made by the state
211 compliance agency based upon the net win per facility as
212 provided by the Tribe. The local government share attributable
213 to each casino shall be distributed as follows:

214 (a) Broward County shall receive 22.5 percent, the City of
215 Coconut Creek shall receive 55 percent, the City of Coral
216 Springs shall receive 12 percent, the City of Margate shall
217 receive 8.5 percent, and the City of Parkland shall receive 2
218 percent of the local government share derived from the Seminole
219 Indian Casino-Coconut Creek.

220 (b) Broward County shall receive 25 percent, the City of
221 Hollywood shall receive 55 percent, the Town of Davie shall
222 receive 10 percent, and the City of Dania Beach shall receive 10
223 percent of the local government share derived from the Seminole
224 Indian Casino-Hollywood.

225 (c) Broward County shall receive 25 percent, the City of
226 Hollywood shall receive 55 percent, the Town of Davie shall
227 receive 10 percent, and the City of Dania Beach shall receive 10
228 percent of the local government share derived from the Seminole
229 Hard Rock Hotel & Casino-Hollywood.

230 (d) Collier County shall receive 100 percent of the local
231 government share derived from the Seminole Indian Casino-
232 Immokalee.

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233 (e) Glades County shall receive 100 percent of the local
234 government share derived from the Seminole Indian Casino-
235 Brighton.

236 (f) Hendry County shall receive 100 percent of the local
237 government share derived from the Seminole Indian Casino-Big
238 Cypress.

239 (g) Hillsborough County shall receive 100 percent of the
240 local government share derived from the Seminole Hard Rock Hotel
241 & Casino-Tampa.

242 (11) Upon receipt of the annual audited revenue figures
243 from the Tribe and completion of the calculations as provided in
244 subsection (10), the state compliance agency shall certify the
245 results to the Chief Financial Officer and shall request the
246 distributions to be paid from the General Revenue Fund within 30
247 days after authorization of nonoperating budget authority
248 pursuant to s. 216.181(12).

249 (12)~~(14)~~ Any moneys remitted by the Tribe before the
250 effective date of the a compact shall be deposited into the
251 General Revenue Fund and are entered into by the state and the
252 Tribe pursuant to this act shall be deemed forfeited by the
253 Tribe and released to the state without further obligation or
254 encumbrance. The Legislature further finds that acceptance and
255 appropriation of such funds does not legitimize, validate, or
256 otherwise ratify any previously proposed compact or the
257 operation of class III games by the Tribe for any period prior
258 to the effective date of the a valid compact pursuant to this
259 act.

260 (13)~~(15)~~ For the purpose of satisfying the requirement in
261 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized

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262 under an Indian gaming compact must be permitted in the state
263 for any purpose by any person, organization, or entity, the
264 following class III games or other games specified in this
265 section are hereby authorized to be conducted by the Tribe
266 pursuant to the a compact ~~that is substantially in the form~~
267 ~~provided in s. 285.711:~~

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

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

271 (b)(e) Banking or banked card games, including baccarat,
272 chemin de fer, and blackjack or 21 at the tribal facilities in
273 Broward County, Collier County, and Hillsborough County.

274 (c) Raffles and drawings.

275 (14) ~~(16)~~ Notwithstanding any other provision of state law,
276 it is not a crime for a person to participate in the games
277 specified in subsection (13) ~~(15)~~ at a tribal facility operating
278 under the a compact entered into pursuant to this section ~~act~~.

279 Section 2. Section 285.711, Florida Statutes, is repealed.

280 Section 3. Section 285.712, Florida Statutes, is created to
281 read:

282 285.712 Tribal-state gaming compacts.-

283 (1) The Governor is the designated state officer
284 responsible for negotiating and executing, on behalf of the
285 state, tribal-state gaming compacts with federally recognized
286 Indian tribes located within the state pursuant to the federal
287 Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168
288 and 25 U.S.C. ss. 2701 et seq., for the purpose of authorizing
289 class III gaming, as defined in that act, on Indian lands within
290 the state.

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

295 (3) Following completion of negotiations and execution of a
296 compact, the Governor shall submit a copy of the executed
297 tribal-state compact to the President of the Senate and the
298 Speaker of the House of Representatives as soon as it is
299 executed. To be effective, the compact must be ratified by both
300 houses of the Legislature by a majority vote of the members
301 present. The Governor shall file the executed compact with the
302 Secretary of State pursuant to s. 15.01.

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

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

310 Section 26. Sections 1 through 3 of this act and this
311 section shall take effect upon becoming law. ~~Sections 4 through~~
312 ~~25 shall take effect only if the Governor and an authorized~~
313 ~~representative of the Seminole Tribe of Florida execute an~~
314 ~~Indian Gaming Compact pursuant to the Indian Gaming Regulatory~~
315 ~~Act of 1988 and requirements of this act, only if the compact is~~
316 ~~ratified by the Legislature, and only if the compact is approved~~
317 ~~or deemed approved, and not voided pursuant to the terms of this~~
318 ~~act, by the Department of the Interior, and such sections take~~
319 ~~effect on the date that the approved compact is published in the~~

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320 ~~Federal Register.~~

321 Section 5. Sections 4 through 25 of chapter 2009-170, Laws
322 of Florida, shall take effect July 1, 2010.

323 Section 6. This act shall take effect upon becoming a law.