

By Senator Hutson

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1 A bill to be entitled
2 An act relating to the implementation of the 2021
3 gaming compact between the Seminole Tribe of Florida
4 and the State of Florida; amending s. 285.710, F.S.;
5 revising the definition of the term "compact";
6 providing for legislative approval and ratification of
7 a gaming compact between the Seminole Tribe of Florida
8 and the state; requiring the Governor to cooperate
9 with the Tribe in seeking approval and ratification of
10 such compact from the United States Secretary of the
11 Interior; specifying that such compact supersedes a
12 certain other gaming compact under certain
13 circumstances; revising local government share
14 distributions; authorizing the Tribe to conduct
15 additional games, contests, and sports betting;
16 providing age requirements for wagering on fantasy
17 sports contests and sports betting; specifying that
18 certain games and gaming activities do not violate the
19 laws of this state; conforming cross-references;
20 amending s. 285.712, F.S.; revising requirements for
21 the Secretary of State relating to a compact; amending
22 s. 551.102, F.S.; defining the term "independent
23 testing laboratory"; amending s. 551.103, F.S.;
24 conforming a provision to changes made by the act;
25 amending s. 849.086, F.S.; providing conditions,
26 requirements, and prohibitions relating to poker games
27 played in a designated player manner; prohibiting a
28 person licensed to operate a cardroom from operating
29 certain games; providing contingent effective dates.

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31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. Effective upon becoming a law, paragraph (a) of
34 subsection (1) and subsection (3) of section 285.710, Florida
35 Statutes, are amended to read:

36 285.710 Compact authorization.—

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

38 (a) "Compact" means the most recent ratified and approved
39 gaming compact between the Seminole Tribe of Florida and the
40 State of Florida, ~~executed on April 7, 2010.~~

41 (3) (a) The gaming compact between the Seminole Tribe of
42 Florida and the State of Florida, executed by the Governor and
43 the Tribe on April 7, 2010, was is ratified and approved by
44 chapter 2010-29, Laws of Florida.

45 (b) The gaming compact between the Seminole Tribe of
46 Florida and the State of Florida, executed by the Governor and
47 the Tribe on April 23, 2021, is ratified and approved. The
48 Governor shall cooperate with the Tribe in seeking approval of
49 such compact ratified and approved under this paragraph from the
50 United States Secretary of the Interior. Upon becoming
51 effective, such compact supersedes the gaming compact ratified
52 and approved under paragraph (a). If the gaming compact ratified
53 and approved under this paragraph is not approved by the United
54 States Secretary of the Interior or is invalidated by court
55 action or change in federal law, the gaming compact ratified and
56 approved under paragraph (a) shall remain in effect ~~The Governor~~
57 ~~shall cooperate with the Tribe in seeking approval of the~~
58 ~~compact from the United States Secretary of the Interior.~~

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59 Section 2. Paragraphs (b), (c), and (d) of subsection (10)
60 and subsection (13) of section 285.710, Florida Statutes, are
61 amended, and paragraph (h) is added to subsection (10) of that
62 section, to read:

63 285.710 Compact authorization.—

64 (10) The calculations necessary to determine the local
65 government share distributions shall be made by the state
66 compliance agency based upon the net win per facility as
67 provided by the Tribe. The local government share attributable
68 to each casino shall be distributed as follows:

69 (b) Broward County shall receive 25 percent, the City of
70 Hollywood shall receive 35 ~~55~~ percent, the Town of Davie shall
71 receive 30 ~~40~~ percent, and the City of Dania Beach shall receive
72 10 percent of the local government share derived from the
73 Seminole Indian Casino-Hollywood.

74 (c) Broward County shall receive 25 percent, the City of
75 Hollywood shall receive 35 ~~55~~ percent, the Town of Davie shall
76 receive 30 ~~40~~ percent, and the City of Dania Beach shall receive
77 10 percent of the local government share derived from the
78 Seminole Hard Rock Hotel & Casino-Hollywood.

79 (d) Collier County shall receive 75 ~~100~~ percent and the
80 Immokalee Fire Control District shall receive 25 percent of the
81 local government share derived from the Seminole Indian Casino-
82 Immokalee.

83 (h) Broward County shall receive 25 percent, the City of
84 Hollywood shall receive 35 percent, the Town of Davie shall
85 receive 30 percent, and the City of Dania Beach shall receive 10
86 percent of the local government share derived from the
87 additional facilities authorized to be added to the Tribe's

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88 Hollywood Reservation under the gaming compact ratified,
89 approved, and described in subsection (3).

90 (13) (a) For the purpose of satisfying the requirement in 25
91 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
92 under an Indian gaming compact must be permitted in the state
93 for any purpose by any person, organization, or entity, the
94 following class III games or other games specified in this
95 section are hereby authorized to be conducted by the Tribe
96 pursuant to the compact described in subsection (3)(a), if the
97 compact described in subsection (3)(b) is not effective:

98 1. ~~(a)~~ Slot machines, as defined in s. 551.102(9) ~~s.~~
99 551.102(8).

100 2. ~~(b)~~ Banking or banked card games, including baccarat,
101 chemin de fer, and blackjack or 21 at the tribal facilities in
102 Broward County, Collier County, and Hillsborough County.

103 3. ~~(c)~~ Raffles and drawings.

104 (b) For the purpose of satisfying the requirement in 25
105 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
106 under an Indian gaming compact must be permitted in the state
107 for any purpose by any person, organization, or entity, the
108 following class III games or other games specified in this
109 section are hereby authorized to be conducted by the Tribe
110 pursuant to the compact described in subsection (3)(b), when
111 such compact has been approved by the United States Secretary of
112 the Interior, has not been invalidated by court action or change
113 in federal law, and is effective:

114 1. Slot machines, as defined in s. 551.102(9).

115 2. Banking or banked card games, including baccarat, chemin
116 de fer, and blackjack (21), and card games banked by the house,

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117 by a bank established by the house, or by a player.

118 3. Raffles and drawings.

119 4. Craps, including dice games such as sic-bo and any
120 similar variations thereof.

121 5. Roulette, including big six and any similar variations
122 thereof.

123 6. Fantasy sports contests. Wagers on fantasy sports
124 contests conducted by the Tribe, including wagers made by
125 players physically located within the state using a mobile or
126 other electronic device, shall be deemed to be exclusively
127 conducted by the Tribe where the servers or other devices used
128 to conduct such wagering activity on the Tribe's Indian lands
129 are located. A person must be 21 years of age or older to wager
130 on fantasy sports contests.

131 7. Sports betting. Wagers on sports betting, including
132 wagers made by players physically located within the state using
133 a mobile or other electronic device, shall be deemed to be
134 exclusively conducted by the Tribe where the servers or other
135 devices used to conduct such wagering activity on the Tribe's
136 Indian lands are located. A person must be 21 years of age or
137 older to wager on sports betting.

138
139 Games and gaming activities authorized under this subsection and
140 conducted pursuant to a gaming compact ratified and approved
141 under subsection (3) do not violate the laws of this state.

142 Section 3. Effective upon becoming a law, subsection (4) of
143 section 285.712, Florida Statutes, is amended to read:

144 285.712 Tribal-state gaming compacts.-

145 (4) Upon receipt of an act ratifying a tribal-state

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146 compact, the Secretary of State shall coordinate with the
147 parties to the compact to formally submit ~~forward~~ a copy of the
148 executed compact and the ratifying act to the United States
149 Secretary of the Interior for his or her review and approval, in
150 accordance with 25 U.S.C. s. 2710(d)(8) ~~25 U.S.C. s. 2710(8)(d)~~.

151 Section 4. Present subsections (5) through (13) of section
152 551.102, Florida Statutes, are redesignated as subsections (6)
153 through (14), respectively, and a new subsection (5) is added to
154 that section, to read:

155 551.102 Definitions.—As used in this chapter, the term:

156 (5) "Independent testing laboratory" means an independent
157 laboratory:

158 (a) With demonstrated competence testing gaming machines
159 and equipment;

160 (b) That is licensed by at least 10 other states; and

161 (c) That has not had its license suspended or revoked by
162 any other state within the immediately preceding 10 years.

163 Section 5. Paragraph (c) of subsection (1) of section
164 551.103, Florida Statutes, is amended to read:

165 551.103 Powers and duties of the division and law
166 enforcement.—

167 (1) The division shall adopt, pursuant to the provisions of
168 ss. 120.536(1) and 120.54, all rules necessary to implement,
169 administer, and regulate slot machine gaming as authorized in
170 this chapter. Such rules must include:

171 (c) Procedures to scientifically test and technically
172 evaluate slot machines for compliance with this chapter. The
173 division may contract with an independent testing laboratory to
174 conduct any necessary testing under this section. ~~The~~

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175 ~~independent testing laboratory must have a national reputation~~
176 ~~which is demonstrably competent and qualified to scientifically~~
177 ~~test and evaluate slot machines for compliance with this chapter~~
178 ~~and to otherwise perform the functions assigned to it in this~~
179 ~~chapter.~~ An independent testing laboratory shall not be owned or
180 controlled by a licensee. The use of an independent testing
181 laboratory for any purpose related to the conduct of slot
182 machine gaming by a licensee under this chapter shall be made
183 from a list of one or more laboratories approved by the
184 division.

185 Section 6. Subsection (10) and paragraph (a) of subsection
186 (12) of section 849.086, Florida Statutes, are amended, and
187 paragraph (h) is added to subsection (7) of that section, to
188 read:

189 849.086 Cardrooms authorized.—

190 (7) CONDITIONS FOR OPERATING A CARDROOM.—

191 (h) Poker games played in a designated player manner in
192 which one player is permitted, but not required, to cover other
193 players' wagers must comply with the following restrictions:

194 1. Poker games to be played in a designated player manner
195 must have been identified in cardroom license applications
196 approved by the division on or before March 15, 2018, or, if a
197 substantially similar poker game, identified in cardroom license
198 applications approved by the division on or before April 1,
199 2021.

200 2. If the cardroom is located in a county where slot
201 machine gaming is authorized under chapter 285 or chapter 551,
202 the cardroom operator is limited to offering no more than 10
203 tables for the play of poker games in a designated player

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204 manner.

205 3. If the cardroom is located in a county where slot
206 machine gaming is not authorized under chapter 285 or chapter
207 551, the cardroom operator is limited to offering no more than
208 30 tables for the play of poker games in a designated player
209 manner.

210 4. There may not be more than nine players and the
211 nonplayer dealer at each table.

212 (10) FEE FOR PARTICIPATION; PROHIBITIONS RELATING TO
213 ECONOMIC INTEREST AND WINNINGS FOR CERTAIN GAMES.—

214 (a) The cardroom operator may charge a fee for the right to
215 participate in games conducted at the cardroom. Such fee may be
216 either a flat fee or hourly rate for the use of a seat at a
217 table or a rake subject to the posted maximum amount but may not
218 be based on the amount won by players. The rake-off, if any,
219 must be made in an obvious manner and placed in a designated
220 rake area which is clearly visible to all players. Notice of the
221 amount of the participation fee charged shall be posted in a
222 conspicuous place in the cardroom and at each table at all
223 times.

224 (b)1. A cardroom operator may not have any direct economic
225 interest in a poker game played in a designated player manner,
226 except for the rake.

227 2. A cardroom operator may not receive any portion of the
228 winnings of a poker game played in a designated player manner.

229 (12) PROHIBITED ACTIVITIES.—

230 (a) No person licensed to operate a cardroom may conduct
231 any banking game or any game not specifically authorized by this
232 section or operate any game that violates the exclusivity

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233 provided in the gaming compact ratified, approved, and described
234 in s. 285.710(3).

235 Section 7. Except as otherwise expressly provided in this
236 act and except for this section, which shall take effect upon
237 this act becoming a law, this act shall take effect only if the
238 Gaming Compact between the Seminole Tribe of Florida and the
239 State of Florida executed by the Governor and the Seminole Tribe
240 of Florida on April 23, 2021, under the Indian Gaming Regulatory
241 Act of 1988, is approved or deemed approved and not voided by
242 the United States Department of the Interior, and shall take
243 effect on the date that notice of the effective date of the
244 compact is published in the Federal Register.