



Committee:

APPROPRIATIONS CONFERENCE COMMITTEE ON GAMING

Senator Jones, Chair
Representative Galvano, Chair

Meeting Packet

Wednesday, April 29, 2009

8:00 a.m. —Until completion

Verle A. Pope Committee Room, 309 The Capitol

***(Please bring this packet to the committee meeting.
Duplicate materials will not be available.)***

**CONFERENCE COMMITTEE MEETING
NOTICE**

**APPROPRIATIONS CONFERENCE COMMITTEE ON
GAMING**

**Senator Jones, Chair
Representative Galvano, Chair**

MEETING DATE: Wednesday, April 29, 2009
TIME: 8:00 a.m.—Until completion
PLACE: *Verle A. Pope Committee Room, 309 The Capitol*

SENATE CONFEREES: Senator Jones, Chair; Senators Deutch, Diaz de la Portilla, and Pruitt; AT
LARGE: Senators Altman, Haridopolos, and Lawson

HOUSE CONFEREES: Representative Galvano, Chair; Representatives Abruzzo, Adams, Gibbons, and
Hays

Appropriations Conference Committee on Gaming

ISSUE	Senate Position	House Position	House Offer	Senate Offer	Final Recommendation
Compact Provisions					
Term	At least 10 years and no more than 25 years. (Lines 282-283)	10 years (Lines 1138-1143)			
Legislative approval of negotiated compact.	Not required if compact meets minimum terms and standards in bill. (Lines 103-106)	Required. (Lines 88-93)			
Legislative approval of compact amendments.	Not required if amendment meets minimum terms and standards in bill. (Lines 106-109)	Not required. (Lines 1146-1158)			
Covered Class III Games	*Slot machines, roulette and craps. *Charity poker or unlimited if authorized for other persons. *Banked card games, including blackjack, chemin de fer, and baccarat if Dade and Broward pari-mutuels get blackjack. (Lines 143-185)	*Slot machines. * High stakes charity poker games also permitted, but 100% of net poker income must go to charity (limit 2 tournaments per year.) (Lines 160-188)			
Status of current banked card	Explicitly not validated.	Not clear. Tribe must			

4/29/2009 7:12:08 AM

1

Appropriations Conference Committee on Gaming

gaming activities.	<i>(Lines 88-89 & 231-234)</i>	stop banked card gaming within 90 days after the effective date of the compact. <i>(Lines 458-460)</i>			
Effect of future changes to slot machine laws Voided Compact: Tribe may use electronic payment systems if permitted in state for slot machines.	Not addressed, therefore same as in voided compact. <i>(Lines 98-102)</i>	All amendments or alteration to slot machine definition apply. <i>(Lines 180-182)</i>			
"Net win" definition	Gross gaming revenue = "difference between gaming wins and losses, before deducting costs and expenses." <i>(Lines 78-81)</i>	"Total receipts from the play of all covered games, less all prize payouts." <i>(Lines 223-224)</i>			
Guaranteed minimum revenue share	\$400 million. <i>(Lines 186-198)</i>	\$100 million. <i>(Lines 772-776)</i>			
Payments to offset impacts on	Required, but amounts not	Tribe pays an additional			

4/29/2009 7:12:08 AM

2

Appropriations Conference Committee on Gaming

local governments	specified. (Lines 213-224)	amount equal to 5 percent of revenue share. (Lines 848-853)			
Top revenue share percentage	\$600 million + 25 percent of net win above \$4 billion per year. (Lines 195-198)	18 percent if net win for revenue sharing that exceeds \$100 million guaranteed minimum. (Lines 780-786)			
Revenue sharing reductions	<p>*No cessation of payments unless net win fails to reach \$1.37 billion.</p> <p>*No reduction for new Class III in Florida Panhandle.</p> <p>*No reduction if state enters compact with another Florida Tribe.</p> <p>*No reduction for historic racing or electronic gaming machines.</p> <p>*No reduction if current level of enforcement is</p>	<p>*Payments cease if additional Class III games are allowed (electronically-assisted bingo or pull-tab games, video lottery terminals).</p> <p>*Payments cease if citizen's initiative permits slot machines</p>			

4/29/2009 7:12:08 AM

3

Appropriations Conference Committee on Gaming

	maintained for illegal gaming. (Lines 199-212 and 235-267)	outside of Dade and Broward and net win doesn't reach \$1.37 billion. *No cessation of payments for illegal gaming. * Pro rata reduction for occurrences outside of Tribe's control, including acts of God and terrorism. (Lines 870-945)			
Status of payments made under the voided compact.	State keeps. (Lines 225-234)	State keeps. (Lines 854-863)			
Sovereign Immunity and Insurance	*Limited waiver of \$2 million per occurrence and in the aggregate, annually adjusted to CPI. *Requires property and personal injury	*Limited waiver of \$500,000 per person and \$1 million per incident. *Requires insurance of			

4/29/2009 7:12:08 AM

4

Appropriations Conference Committee on Gaming

	insurance of up to \$2 million, annually adjusted to CPI. (Lines 368-398)	\$1 million per occurrence and \$10 million in the aggregate. (Lines 504-519)			
Patron Tort Claims	Requires written procedures to be enacted in tribal law, but the procedures are not specified in the bill. (Lines 368-386)	*Patron can go directly to court. *Four year statute of limitations for tort claims. (Lines 494-503)			
State enforcement agency	Division of Pari-mutuel Wagering (Lines 138-142 and 319-322)	SCA not specified. (Lines 246-251)			
Inspections	*Public and Non-public areas: no notice or concurrent notice. *No limits on the number of random inspections. *Public area inspection during business hours. *No reference to when random inspection may be conducted.	*Public areas: no notice. *Non-public areas: One hour notice. *No limits on the number of random inspections. Random inspections during business hours.			

4/29/2009 7:12:08 AM

5

Appropriations Conference Committee on Gaming

	*Annual slot machine compliance audits. (Lines 325-353)	*Annual slot machine compliance audits. (Lines 617-684)			
Minimum Age to play covered games. Voided Compact: *21 years of age to play. *18 years of age for entry to casino floor.	Not directly specified, therefore same as in voided compact or as changed by PMW bill.	*21 years of age to play. *18 years of age for entry to casino floor. (Lines 412-413 and 426-247)			
Compulsive Gambling Voided Compact: Training program for employees, education of patrons, keep list of voluntary excluded patrons.	Not directly specified, therefore same as in voided compact. (Lines 98-102)	Same as in voided compact. (Lines 321-374)			
Smoking Voided Compact: Smoking permitted but Tribe to provide smoke-free and	Not directly specified, therefore same as in voided compact. (Lines 98-102)	Same as in voided compact (Lines 1195-1208)			

4/29/2009 7:12:08 AM

6

Appropriations Conference Committee on Gaming

reduced smoke environment. Provides for vent tables and ventilation systems.					
Dispute Resolution for state and Tribe. Voided Compact: Mediation, and nonbinding arbitration for disputes by Tribe against state.	Specifies process of non-binding arbitration. <i>(Lines 406-442)</i>	Same as in voided compact. <i>(Lines 948-1053)</i>			
Venue for patron disputes Voided Compact: Broward County	Not directly specified, therefore same as in voided compact. <i>(Lines 98-102)</i>	County in which the incident occurred. <i>(Lines 494-503)</i>			
Sales Taxes	Authorizes the Governor to negotiate agreements for taxes. <i>(Lines 469-478)</i>	Requires the Tribe to collect and remit sales taxes for sales to non-tribal members and keep records for five years of such sales. <i>(Lines 1056-</i>			

4/29/2009 7:12:08 AM

7

Appropriations Conference Committee on Gaming

		1080)			
Contingent Effective Date	Bill is contingent on CS/SB 836 becoming law. (Lines 498-501)	Contingent on HB 7145 becoming law. (lines 1148-1151 of House amendment to CS/CS/SB 788)			
Term for Governor's Authority to Negotiate Compact	The Governor's authority to negotiate the compact expires at the end of day on August 31, 2009. (Lines 126-128)	Not Included			
Allocation of Compact Revenue	Revenue sharing payments must be deposited into Educational Enhancement Trust Fund. (Lines 115-117)	Not Included			
Computerized Reporting and Auditing System	Tribe must have central computerized reporting and auditing system. (Lines 300-318)	Not Included			
Medical Professionals	Tribe must employ/authorize only licensed medical	Not Included			

4/29/2009 7:12:08 AM

8

Appropriations Conference Committee on Gaming

	professional. (Lines 355-356)				
Access by Emergency Services	Tribe must allow unimpeded access by emergency medical services. (Lines 357-358)	Ensure adequate emergency access plans have been prepared. (Lines 558- 560)			
Legislative Review	Bill provides legislative intent to review the compact in five years to authorize additional Class III. (Lines 469-478)	Not Included			
Spending Tribal Revenue in State	The Tribe must use its best efforts to spend its revenue in the state and acquire goods and services from Florida-based vendors. (Lines 459-462)	Not Included			
Dispute Process for Employees Voided Compact: Tribe to maintain employment standards comparable to	Same as in Voided compact, plus the Tribe's employee dispute process must permit the employee to be represented by an attorney or other authorized	Same as in Voided compact. (Lines 1216- 1227)			

4/29/2009 7:12:08 AM

9

Appropriations Conference Committee on Gaming

state and federal standards.	representative, and must allow language interpreters. (Lines 443-458)				
Tax Agreements	Bill authorizes the Governor to negotiate tax agreements with the Indian tribes. (Lines 469-478)	Not Included			
Pari-Mutuel Provisions					
Electronic Bingo Gaming	Allows for electronic gaming license for facilities that have cardrooms and no slots; 18 to play; 1000 machines per facility; \$1 million annual fee (Lines 198-1408)	Not Included			
Slot machine gaming age	Lowers the age from 21 to 18 (Lines 2417-2421)	Not Included			
Historical Racing	Authorizes Historical Racing at pari-mutuel facilities that have agreements between permitholders and association and holds a cardroom license; Directs DBPR to adopt rules	Not Included			

4/29/2009 7:12:08 AM

10

Appropriations Conference Committee on Gaming

	and regulate machines and issues licenses. <i>(Lines 2227-2349)</i>				
Number of historical racing terminals authorized	500 per facility. <i>(Lines 2285-2296)</i>	Not Included			
License fee for historical racing	\$1 million per year. <i>(Lines 1540-1547)</i>	Not Included			
Tax on historical racing machines	4% of handle. <i>(Lines 1538-1539)</i>	Not Included			
Quarter Horse Permits	Deletes exemption from general pari-mutuel licensing so that permit is subject to same mileage restrictions, financial and notice requirements. Allows quarter horse licensees to substitute up to 50% in thoroughbred races. Allows intertrack wagering without approval from other licensees within 50 miles. <i>(Lines 1992-2114)</i>	Substantially the same			
Quarter Horse Leasing	Not currently in the bill but possible	Not Included.			

4/29/2009 7:12:08 AM

11

Appropriations Conference Committee on Gaming

	amendment to subject the quarter horse facilities to the same mileage restriction as other facility types (35-mile radius)				
Quarter Horse Conversion	Not included.	Allows quarter horse permit holder to convert license to not for profit thoroughbred license. <i>(Lines 240-315)</i>			
Quarter Horse Cardroom Purse Supplementation	Not currently in the bill but possible amendment to require quarter horse facilities operating a cardroom to use at least 50% of cardroom's net proceeds to supplement purses and breeder's awards (same as other horse facilities do)	Not Included			
Use of Electronic Transmitting Equipment	Deletes language that may criminalize use of cell	Not Included			

4/29/2009 7:12:08 AM

12

Appropriations Conference Committee on Gaming

	phones/PDA's or other electronic devices at racetrack. (Lines 2133-2134)				
Full Schedule of Live Racing	Q-Horse - 20 races in 2010-2011, 30 races in 11-12 & 12-13, 40 races in 13-14 and after, unless alternate agreement; Q-Horse w/ leased facility - 160 events (Lines 1414-1465)	Substantially the same			
Slot machine fee	\$2.5M in FY 10-11; \$2M each year thereafter. (Lines 2374-2379)	\$2M			
Slot Machine Tax Rate	42% in FY 10-11; 35% each year thereafter. (Lines 2388-2394)	Tax rate twice the rate imposed upon Tribe with guaranteed minimum (lines 333 – 357)			
Slot Machine Payout	85% per facility instead of per machine (Lines 2363-2364)	Not Included			
Slot Machine Progressive Systems	Allows slot machines to be linked in a progressive system	Not Included			

4/29/2009 7:12:08 AM

13

Appropriations Conference Committee on Gaming

	<i>(Lines 2353-2356; 2428-2430)</i>				
Cardroom License	Requires 2 full years of full schedule of live racing and must be licensed to conduct full schedule of live racing in initial year of licensure <i>(Lines 2524-2530)</i>	Requires Permit holder and must be licensed to conduct full schedule of live racing in initial year of licensure <i>(lines 227-232 and 371-375)</i>			
Cardroom Hours of Operation	18 hours per day Mon-Friday; 24 hours per day Sat-Sun <i>(Lines 2618-2621)</i>	24 hours per day/7 days per week <i>(lines 371-375)</i>			
Poker Wager Limits	No limit poker <i>(Lines 2655-2668)</i>	\$50 per wager; \$1,000 buy-in for Texas Hold-em <i>(lines 388 – 396)</i>			
Banked Card Games	Allows blackjack for slot machine licensees if the Seminoles get roulette or craps <i>(Lines 2691-2704)</i>	Not Included			
DBPR Streamlining Package	Adds multiple streamlining amendments,	Not Included			

4/29/2009 7:12:08 AM

14

Appropriations Conference Committee on Gaming

	<p>included but not limited to:</p> <ul style="list-style-type: none">• Defines conviction• Provides flexibility in occupation. licenses• Uniform issuance dates for license types• Monthly payment of taxes starting July 1, 2012• Year to mean “fiscal” year• Enhanced fingerprint regulations• Added cruelty to animal protections• Breeder flexibility language• Use of electronic equipment				
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4/29/2009 7:12:08 AM

15