

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)		25 years.	
Legislative approval of negotiated compact.	Not required if compact meets minimum terms and standards in bill. (Lines 103-106)	Required. (Lines 88-93)		Legislative ratification required.	
Legislative approval of compact amendments.	Not required if amendment meets minimum terms and standards in bill. (Lines 106-109)	Not required. (Lines 1146-1158)		Not required.	
Exclusivity				Electronic gaming prohibited in any county in which Seminole Tribe casinos operate (except for existing slots facilities in counties where referendum already allow such activity).	
Expansion limitation				Only limited gambling authorized for Brighton, Immokalee, and Big Cypress facilities.	
Covered Class	*Slot machines,	*Slot			

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III Games	<p>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)</p>	<p>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)</p>		<p>No limit poker; Slot machines, Banked card games, including blackjack, chemin de fer, and baccarat</p>	
Status of current banked card gaming activities.	<p>Explicitly not validated. (Lines 88-89 & 231-234)</p>	<p>Not clear. Tribe must stop banked card gaming within 90 days after the effective date of the compact. (Lines 458-460)</p>		<p>Explicitly not validated.</p>	
<p>Effect of future changes to slot machine laws</p> <p>Voided Compact: Tribe may use electronic payment systems if permitted in</p>	<p>Not addressed, therefore same as in voided compact. (Lines 98-102)</p>	<p>All amendments or alteration to slot machine definition apply. (Lines 180-182)</p>		<p>Not addressed, therefore same as in voided compact.</p>	

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state for slot machines.					
“Net win” definition	Gross gaming revenue = “difference between gaming wins and losses, before deducting costs and expenses.” (Lines 78-81)	“Total receipts from the play of all covered games, less all prize payouts.” (Lines 223-224)		Gross gaming revenue = difference between gaming wins and losses, before deducting costs and expenses	
Guaranteed minimum revenue share	\$400 million. (Lines 186-198)	\$100 million. (Lines 772-776)		Year 1: \$500m Year 2: \$400m Year 3 – 25: \$250m	
Payments to offset impacts on local governments	Required, but amounts not specified. (Lines 213-224)	Tribe pays an additional amount equal to 5 percent of revenue share. (Lines 848-853)		Tribe pays an additional amount equal to one percent of revenue share.	
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)		25% of net win above \$2.5b	
Revenue sharing reductions	*No cessation of payments unless net win fails to reach	*Payments cease if additional		*No cessation of payments unless net win fails to reach	

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	<p>\$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 maintained for illegal gaming. (Lines 199-212 and 235-267)</p>	<p>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 outside of Dade and Broward and net win doesn't reach \$1.37 billion.</p> <p>*No cessation of payments for illegal gaming.</p> <p>* Pro rata reduction for occurrences outside of Tribe's control, including acts of God and</p>		<p>\$1.37 billion.</p> <p>*No reduction for new Class III in Central Time Zone.</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 maintained for illegal gaming.</p>	
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		terrorism. (Lines 870-945)			
Status of payments made under the voided compact.	State keeps. (Lines 225-234)	State keeps. (Lines 854-863)		State keeps.	
Sovereign Immunity and Insurance	*Limited waiver of \$2 million per occurrence and in the aggregate, annually adjusted to CPI. *Requires property and personal injury insurance of up to \$2 million, annually adjusted to CPI. (Lines 368-398)	*Limited waiver of \$500,000 per person and \$1 million per incident. *Requires insurance of \$1 million per occurrence and \$10 million in the aggregate. (Lines 504-519)		Require waiver and insurance; amounts to be determined	
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)		Patron can go directly to court. Four year statute of limitations for tort claims.	
State enforcement agency	Division of Pari-mutuel Wagering (Lines 138-142 and	SCA not specified. (Lines 246-		Division of Pari-mutuel Wagering	

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	319-322)	251)			
Inspections	<p>*Public and Non-public areas: no notice or concurrent notice.</p> <p>*No limits on the number of random inspections.</p> <p>*Public area inspection during business hours.</p> <p>*No reference to when random inspection may be conducted.</p> <p>*Annual slot machine compliance audits.</p> <p>(Lines 325-353)</p>	<p>*Public areas: no notice.</p> <p>*Non-public areas: One hour notice.</p> <p>*No limits on the number of random inspections.</p> <p>Random inspections during business hours.</p> <p>*Annual slot machine compliance audits.</p> <p>(Lines 617-684)</p>		<p>*Public and Non-public areas: no notice or concurrent notice.</p> <p>*No limits on the number of random inspections.</p> <p>*Public area inspection during business hours.</p> <p>*No reference to when random inspection may be conducted.</p> <p>*Annual slot machine compliance audits.</p>	
<p>Minimum Age to play covered games.</p> <p>Voided Compact:</p> <p>*21 years of age to play.</p> <p>*18 years of age for entry to casino floor.</p>	<p>Not directly specified, therefore same as in voided compact or as changed by PMW bill.</p>	<p>*21 years of age to play.</p> <p>*18 years of age for entry to casino floor.</p> <p>(Lines 412-413 and 426-247)</p>		<p>21 years of age.</p>	
Compulsive Gambling	<p>Not directly specified, therefore</p>	<p>Same as in voided</p>		<p>\$250,000 per facility annual donation</p>	

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<p>Voided Compact: Training program for employees, education of patrons, keep list of voluntary excluded patrons.</p>	<p>same as in voided compact. (Lines 98-102)</p>	<p>compact. (Lines 321-374)</p>			
<p>Smoking</p> <p>Voided Compact: Smoking permitted but Tribe to provide smoke-free and reduced smoke environment. Provides for vent tables and ventilation systems.</p>	<p>Not directly specified, therefore same as in voided compact. (Lines 98-102)</p>	<p>Same as in voided compact (Lines 1195-1208)</p>		<p>Same as in voided compact and House bill; smoking permitted but Tribe to provide smoke free and reduced smoke environment, including vented tables and ventilation systems.</p>	
<p>Dispute Resolution for state and Tribe.</p> <p>Voided Compact: Mediation, and nonbinding arbitration for disputes by Tribe against state.</p>	<p>Specifies process of non-binding arbitration. (Lines 406-442)</p>	<p>Same as in voided compact. (Lines 948-1053)</p>		<p>Senate: nonbinding arbitration provisions</p>	
<p>Venue for patron disputes</p>	<p>Not directly specified, therefore</p>	<p>County in which the</p>		<p>County where claim arises</p>	

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Voided Compact: Broward County	same as in voided compact. (Lines 98-102)	incident occurred. (Lines 494-503)			
Sales Taxes	Authorizes the Governor to negotiate agreements for taxes. (Lines 469-478)	Requires the Tribe to collect and remit sales taxes for sales to non-tribal members and keep records for five years of such sales. (Lines 1056-1080)		Require the Governor to negotiate agreements for all taxes with the Indian tribes with legislative ratification	
Contingent Effective Date	Bill is contingent on CS/SB 836 becoming law. (Lines 498-501)	Not Addressed		Compact and Pari-mutuel provisions are contingent on each other	
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 Addressed		Governors authority to negotiate compact expires August 31st 2009	
Allocation of Compact Revenue	Revenue sharing payments must be deposited into Educational	Not Addressed		n/a	

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	Enhancement Trust Fund. (Lines 115-117)				
Computerized Reporting and Auditing System	Tribe must have central computerized reporting and auditing system. (Lines 300-318)	Not Addressed		Central computerized reporting and auditing system and uniform reporting pursuant to Division rule	
Medical Professionals	Tribe must employ/authorize only licensed medical professional. (Lines 355-356)	Not Addressed		Tribe must employ/authorize only licensed medical professionals	
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)		Tribe must allow unimpeded access by emergency medical services.	
Legislative Review	Bill provides legislative intent to review the compact in five years to authorize additional Class III. (Lines 469-478)	Not Addressed		Bill provides legislative intent to review the compact in five years to authorize additional Class III.	
Spending Tribal Revenue in State	The Tribe must use its best efforts to spend its revenue in the state and acquire	Not Addressed		The Tribe must use its best efforts to spend its revenue in the state and acquire goods and	

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	goods and services from Florida-based vendors. (Lines 459-462)			services from Florida-based vendors.	
Dispute Process for Employees Voided Compact: Tribe to maintain employment standards comparable to state and federal standards.	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 representative, and must allow language interpreters. (Lines 443-458)	Same as in Voided compact. (Lines 1216-1227)		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 representative, and must allow language interpreters.	
Tax Agreements	Bill authorizes the Governor to negotiate tax agreements with the Indian tribes. (Lines 469-478)	Not Addressed		Bill authorizes the Governor to negotiate tax agreements with the Indian tribes.	
Pari-Mutuel Provisions					
Electronic Gaming	Allows for electronic gaming license for facilities that have cardrooms and no slots; 1,000 machines per facility; \$1 million annual fee (Lines 198-1408)			Allows for electronic gaming license for facilities that have cardrooms and no slots; 1,000 machines per facility; \$1 million annual fee. Electronic gaming authorized in a county	

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				<p>in which a referendum allows such activity.</p> <p>No electronic gaming in counties in which there are Seminole Tribe casinos (except existing facilities in counties that have already had a slots referendum.)</p> <p>Referendum and \$3m annual license fee for electronic gaming in any county not already authorized by referendum.</p>	
Slot machine gaming age	<p>Lowers the age from 21 to 18 (Lines 2417-2421)</p>			21	
Historical Racing	<p>Authorizes Historical Racing at pari-mutuel facilities that have agreements between permitholders and association and holds a cardroom license; Directs DBPR to adopt rules and regulate</p>			Authorized.	

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	machines and issues licenses. <i>(Lines 2227-2349)</i>				
Number of historical racing terminals authorized	500 per facility. <i>(Lines 2285-2296)</i>			2,000 per facility. 3,000 per facility for non-referendum counties.	
License fee for historical racing	\$1 million per year. <i>(Lines 1540-1547)</i>			\$500,000 annual license fee. \$300,000 for non-referendum counties.	
Tax on historical racing machines	4% of handle. <i>(Lines 1538-1539)</i>			4% of handle	
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.			Deletes exemption from general pari-mutuel licensing so that permit is subject to same mileage restrictions, financial and notice requirements Authorizes non-profit quarterhorse permitholders to run thoroughbred races under certain conditions. Prohibit any other horseracing permitholder to run	

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	<i>(Lines 1992-2114)</i>			live or intertrack races (without permission) when non-profit permitholder is conducted live races.	
Quarter Horse Leasing	Not currently in the bill but possible amendment to subject the quarter horse facilities to the same mileage restriction as other facility types (35-mile radius)			Include mileage limitation relating to lease of facilities; 35-mile radius.	
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)			Require quarter horse facilities and limited ITW facility 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).	
Use of Electronic Transmitting Equipment	Deletes language that may criminalize use of cell phones/PDA's or			Delete language that may criminalize use of cell phones/PDA's or other electronic	

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	other electronic devices at racetrack. (Lines 2133-2134)			devices at racetrack.	
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)			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 Allows a quarterhorse permitholder who complies with other statutory provisions to conduct gaming approved by county referendum.	
Slot machine fee	\$2.5M in FY 10-11; \$2M each year thereafter. (Lines 2374-2379)			\$2.5M in FY 10-11; \$2M each year thereafter.	
Slot Machine Tax Rate	42% in FY 10-11; 35% each year thereafter. (Lines 2388-2394)			45% in FY 10-11 40% in FY 11-12 35% each year thereafter	
Slot Machine Payout	85% per facility instead of per machine (Lines 2363-2364)			85% per facility instead of per machine	
Slot Machine Progressive	Allows slot machines to be			Allows slot machines to be linked in a	

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Systems	linked in a progressive system (<i>Lines 2353-2356; 2428-2430</i>)			progressive system	
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 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	
Cardroom Hours of Operation	18 hours per day Mon-Friday; 24 hours per day Sat-Sun (<i>Lines 2618-2621</i>)			n/a	
Poker Wager Limits	No limit poker (<i>Lines 2655-2668</i>)			No limit poker	
Banked Card Games	Allows blackjack for slot machine licensees if the Seminoles get roulette or craps (<i>Lines 2691-2704</i>)			<p>Allow blackjack in South Florida slot facilities. * \$25m initial license fee. * \$3m annual license fee (after initial year) * 10% tax rate</p> <p>Allows existing facilities in counties adjacent to Miami-Dade & Broward</p>	

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				Counties to conduct blackjack and electronic class III gaming if approved by referendum.	
DBPR Streamlining Package	<p>Adds multiple streamlining amendments, 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 			DBPR streamlining included.	

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	<ul style="list-style-type: none">Breeder flexibility language				
Regulation of game promotions.				Revise the requirements for conducting game promotions electronically.	