

## **SUMMARY OF 2021 GAMING COMPACT**

The 2021 Gaming Compact executed by the Seminole Tribe of Florida (Seminole Tribe) and the State of Florida (State) on April 23, 2021 provides the Seminole Tribe with partial but significant additional substantial exclusivity for specified gaming activities in Florida, as detailed below.

### **AUTHORIZED GAMING**

- Continues to authorize the Seminole Tribe to conduct banking card games, including baccarat, chemin de fer, and blackjack (21), at its gaming facilities; the play of poker games in a designated player manner, if compliant with certain restrictions, is not a violation of exclusivity.
- Permits the Seminole Tribe to offer table games, such as craps and roulette, at its gaming facilities.
- Authorizes sports betting on professional and collegiate sport events by players physically located in the State who may use a mobile or other electronic device, exclusively by and through sports books conducted and operated by the Seminole Tribe, which must contract with any willing, qualified pari-mutuel permitholder to perform marketing and similar services in support of the sports books, for compensation of not less than 60% of the profit associated with wagering by the permitholder's registered patrons through the permitholder's branded website or mobile application. Such wagering is to be deemed to be exclusively conducted by the Seminole Tribe where the servers or other devices used to conduct such wagering activity on the Seminole Tribe's Indian lands are located.
- Authorizes Fantasy Sports Contests; wagers on fantasy sports contests, including wagers made by players physically located within the State using a mobile or other electronic device, which wagering is to be deemed to be exclusively conducted by the Seminole Tribe where the servers or other devices used to conduct such wagering activity on the Seminole Tribe's Indian lands are located.
- Continues to authorize the Seminole Tribe to conduct slot machine gaming at its gaming facilities.
- Allows the Seminole Tribe to add up to three additional facilities within its Hollywood Reservation.
- Specifies that the Seminole Tribe may employ a management contractor or licensee, as permitted by the Indian Gaming Regulatory Act (IGRA) and Code of Federal Regulations (C.F.R.), but the Seminole Tribe remains solely responsible for the operation of slot machine gaming, craps, roulette, banking card games, fantasy sports contests, and sports betting (Covered Games or Covered Gaming Activity).

- Provides that the State and the Seminole Tribe agree to engage in good faith negotiations within 36 months after the Effective Date of the 2021 Gaming Compact to consider an amendment to the 2021 Gaming Compact to authorize the Seminole Tribe to offer all types of Covered Games online or via mobile devices to players physically located in the State, where such wagers made using a mobile device or online shall be deemed to take place exclusively where received at the location of the servers or other devices used to conduct such wagering activity at a tribal gaming facility. Any dispute as to whether a party has engaged in good faith negotiations is not subject to suit nor a waiver of the State’s sovereign immunity from suit.

**REVENUE SHARING PAYMENTS AND GUARANTEED MINIMUM**

Includes revenue sharing payments to the State based on varying percentage rates that depend on the amount of the Seminole Tribe’s net win (Revenue Share Payments), including a Guaranteed Minimum Compact Term Payment, as set forth on the chart below.

<b>SUMMARY OF REVENUE SHARE PAYMENTS -2021 Gaming Compact (Revenue Share Payments by the Seminole Tribe to the State)</b>	
<b>Net Win - Slots, Raffles and Drawings; New Games, if Authorized by the State</b>	
\$0-2B:	12%
\$2-2.5B:	17.5%
\$2.5-3B:	20%
\$3-3.5B:	22.5%
\$3.5B+:	25%
<b>Net Win – Table Games (banked card games, craps, and roulette)</b>	
\$0-1B:	15%
\$1-1.5B:	17.5%
\$1.5-2B:	22.5%
\$2B+:	25%
<b>Net Win – Sports Betting</b>	
13.75%, on Net Win received by the Seminole Tribe, excluding Net Win on wagering by patrons using a brand marketed by a qualified pari-mutuel permitholder	
10% on Net Win received by the Seminole Tribe from patrons using a brand marketed by a qualified pari-mutuel permitholder	
<b>Guaranteed Minimum Compact Term Payment of \$2.5B</b> (Two billion, five hundred million dollars) (includes all Revenue Share Payments for the first five years of the 2021 Gaming Compact)	

## **COMPACT TERM**

Provides the term of the 2021 Gaming Compact ends on July 31, 2051 (i.e., 21 years beyond the term of the 2010 Gaming Compact on July 31, 2030).

## **GAMING COMPLIANCE STANDARDS AND REQUIREMENTS**

- Specifies the operation of Covered Gaming Activity on tribal facilities must comply with the:
  - Federal Wire Act (18 United States Code § 1084).
  - Seminole Tribal Gaming Code approved by the National Indian Gaming Commission (NIGC).
  - Rules and Regulations promulgated by the Seminole Tribal Gaming Commission, the tribal governmental agency with authority to carry out the Seminole Tribe's regulatory and oversight responsibilities under the gaming compact.
  - National Indian Gaming Commission's Guidance for Class III Minimum Internal Control Standards.
- Requires the Seminole Tribe to:
  - Pay an annual oversight assessment of up to \$600,000 to be used for the operation of the State Compliance Agency; if any additional tribal gaming facilities are added as authorized under the 2021 Compact, the assessment increases by \$150,000 annually, per additional facility.
  - Make an annual donation to the Florida Council on Compulsive Gaming as an assignee of the State of \$250,000 per operational gaming facility.
  - Have compliance audits prepared for slot machine operations and sports betting operations.
  - Limit the play of Covered Games to persons who must be 21 years of age or older, unless otherwise permitted by state law.
  - Prevent illegal activity at its gaming facilities.
  - Prevent illegal activity associated with its web applications and websites employed for sports betting.
  - Ensure prompt notice is given to law enforcement authorities about persons who may be involved in illegal acts.
  - Ensure that its gaming facilities comply with Florida Building Code standards.
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## **EXCEPTIONS TO EXCLUSIVE RIGHTS GRANTED TO THE SEMINOLE TRIBE**

- Provides exceptions to the Seminole Tribe's exclusive rights, including:
  - Continued slot machine gaming at the eight pari-mutuel permit holder locations in Broward and Miami-Dade counties, with certain actions requiring written consent of the Seminole Tribe relating to proximity to tribal gaming facilities; slot machines may not offer games using tangible playing cards, but may offer games using electronic or virtual cards.
  - Continued operation of electronic bingo card minders and historic racing machines at pari-mutuel facilities located outside of counties with slots facilities (not more than 350 total per facility).
  - Continued operation of pari-mutuel wagering activities at licensed facilities.
  - Continued poker at licensed cardrooms, including poker games played in a designated player manner, in which one player is permitted, but not required, to cover other players' wagers, in compliance with the following certain restrictions:
    - Poker games played in a designated player manner must have been approved by the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation on or before March 15, 2018, or, if a substantially similar poker game, approved before April 1, 2021;
    - If the cardroom is located in Broward County, Miami-Dade County, Hillsborough County, Glades County, Collier County or Hendry County (i.e., where slot machine gaming is authorized in state and tribal facilities), the cardroom operator is limited to offering no more than 10 tables for the play of poker games in a designated player manner; and
    - If the cardroom is located outside Broward County, Miami-Dade County, Hillsborough County, Glades County, Collier County and Hendry County (i.e., where slot machine gaming is not authorized), the cardroom operator is limited to offering no more than 30 tables for the play of poker games in a designated player manner;
    - No cardroom operator may have any direct economic interest in a designated player game except for the rake; and
    - No card room operator may receive any portion of the designated player's winnings.
  - Continued operation of lottery games and the use of lottery vending machines by the Florida Lottery, including certain technologic enhancements for lottery games, and the use of a device or the Internet to scan play slips and communicate winning numbers for draw lottery games.

- Operation of amusement games authorized by ch. 546, F.S.
- Operation of bingo games and instant bingo, as authorized by s. 849.089, F.S. (at licensed pari-mutuel facilities, to include the use of electronic bingo card minders outside of Broward and Miami-Dade counties), and as authorized by s. 849.0931, F.S. (by charitable organizations, to include the use hand-held and table-top card minders).
- Operation of fantasy sports contests.
- Provision of marketing services by a qualified pari-mutuel permit holder pursuant to a written agreement with the Seminole Tribe associated with the Seminole Tribe's operation of sports betting.

**No Exclusivity Violation Related to Enactment of Fantasy Sports Contest Amusement Act:**

- Authorizes fantasy sports contests in which participants, who must be 21 years of age or older, pay an entry fee collected by a noncommercial contest operator who organizes and conducts the contest, is a natural person, pays all entry fees to participants as prizes, and does not pay prize monies exceeding \$1,500 per season or \$10,000 annually.
- Authorizes fantasy sports contests in which participants, who must be 21 years of age or older, pay an entry fee; contest operators and their employees and agents may not be participants in a contest; prizes and awards must be established and disclosed before a contest and be unrelated to the number of participants in the contest; winning outcomes must reflect knowledge and skill of participants and be determined predominantly by statistical results of performances of individuals, including athletes in sporting events; winning outcomes may not be based on pari-mutuel events, on card games, or on performances in high school or youth sporting events, and no casino themes such as slot machine symbols or cards are displayed or depicted.
- Provides that the Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR) must enforce and administer the requirements for fantasy sports contests enumerated in the bill. Certain gambling laws set forth in Ch. 849, F.S., do not apply to fantasy sports contests conducted by contest operators in compliance with all fantasy sports contest requirements.