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1  
2 An act relating to gaming; creating s. 285.710, F.S.;  
3 providing terms and conditions for a gaming compact  
4 between the State of Florida and the Seminole Tribe of  
5 Florida; defining terms; providing that the previous  
6 compact between the Tribe and the Governor is not  
7 approved or ratified by the Legislature; directing the  
8 Governor to negotiate a gaming compact with the Tribe;  
9 specifying requirements and minimum standards for the  
10 compact; designating the Division of Pari-mutuel  
11 Wagering of the Department of Business and  
12 Professional Regulation to carry out the state's  
13 oversight responsibilities under the compact;  
14 providing for Legislative approval of a negotiated  
15 compact and amendments to the compact; providing that  
16 the compact becomes void as the result of a judicial  
17 decision or decision of the Secretary of the United  
18 States Department of the Interior invalidating certain  
19 provisions of the compact; providing for the deposit  
20 of compact revenues into the Educational Enhancement  
21 Trust Fund; providing legislative intent to review the  
22 compact; specifying the date on which the authority of  
23 the Governor to negotiate a compact expires; providing  
24 Legislative intent to review the compact in 5 years;  
25 specifying games that the Tribe is authorized to play  
26 pursuant to the compact; directing the Governor to  
27 negotiate agreements with Indian tribes in this state,  
28 subject to approval by the Legislature, relating to  
29 the application of state taxes on Indian lands;

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30 requiring the release of certain revenues to the  
31 state; creating s. 285.711, F.S.; authorizing the  
32 Governor to negotiate and execute a compact between  
33 the State of Florida and the Seminole Tribe of Florida  
34 in the form provided; providing terms and conditions  
35 for the gaming compact; defining terms; specifying  
36 games that may be authorized for play pursuant to the  
37 compact; specifying revenue sharing between the state  
38 and the Tribe; limiting the number of facilities at  
39 which gaming may occur and specifying the gaming  
40 activities that can be conducted at specified  
41 facilities; specifying the rules and regulations and  
42 minimum requirements for the compact; providing for  
43 state monitoring of the compact; specifying  
44 requirements for a central computer system on gaming  
45 facility premises; requiring that the system provide  
46 the state with access to certain data; specifying the  
47 authority of the state to oversee gaming activities by  
48 the Tribe; requiring medical professionals employed at  
49 the Tribe's gaming facilities to have certain minimum  
50 qualifications; requiring access for municipal or  
51 county emergency medical services; specifying minimum  
52 construction standards for the Tribe's gaming  
53 facilities; specifying minimum environmental  
54 standards; providing for revenue sharing payments by  
55 the Tribe to the state based on the Tribes net win  
56 from covered games; providing for the reduction of the  
57 Tribe's net win on which revenue sharing is based  
58 under certain circumstances; specifying procedures for

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59 tort claims by patrons; requiring the Tribe to  
60 maintain a minimum amount of general liability  
61 insurance for tort claims; prohibiting the Tribe or  
62 its insurer from invoking sovereign immunity under  
63 certain circumstances; requiring the Tribe to waive  
64 its sovereign immunity for disputes relating to the  
65 compact; providing for the resolution of disputes  
66 between the Tribe and the state; requiring presuit  
67 arbitration of disputes relating to the compact;  
68 requiring the Tribe to maintain nondiscriminatory  
69 employment practices; requiring the Tribe to use its  
70 best efforts to spend its revenue in this state;  
71 specifying the term of the compact; amending s.  
72 1013.737, F.S.; authorizing the state to pledge to use  
73 revenues from gaming activities to repay bonds;  
74 amending s. 550.002, F.S.; revising the definition of  
75 the term "full schedule of live racing or games" in  
76 reference to quarter horse permitholders; amending s.  
77 550.01215, F.S.; removing an exception to the required  
78 issuance date of licenses to conduct thoroughbred  
79 racing performances; amending s. 550.054, F.S.;  
80 providing for a jai alai permitholder meeting certain  
81 conditions to apply to the Division of Pari-mutuel  
82 Wagering to convert a permit to conduct jai alai to a  
83 permit to conduct greyhound racing; directing the  
84 division to issue a permit to conduct greyhound racing  
85 if certain conditions are met; providing for the  
86 relocation of certain permits; amending ss. 550.0951  
87 and 550.09511, F.S.; revising requirements for the

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88 payment of daily license fees and taxes; amending s.  
89 550.09514, F.S.; conforming provisions to changes made  
90 by the act; amending s. 550.105, F.S.; revising  
91 provisions for business and occupational licenses;  
92 providing for a determination of fees for such  
93 licenses valid for more than 12 months; directing the  
94 Division of Pari-mutuel Wagering to adopt rules for  
95 licensing periods and renewal cycles; defining the  
96 term "convicted" as it applies to occupational license  
97 applicants; limiting application of the term  
98 "conviction"; revising the time period that a  
99 temporary occupational license may be valid; removing  
100 a requirement that an applicant's signature be  
101 witnessed and notarized or signed in the presence of a  
102 division official; providing for retention of  
103 fingerprints and criminal history screening; providing  
104 for payment of a fee for screenings; providing that  
105 the fee be established by rule of the Department of  
106 Law Enforcement; requiring that the cost of processing  
107 fingerprints and conducting a national criminal  
108 history record check for a general occupational  
109 license be borne by the applicant and for a business  
110 or professional occupational license be borne by the  
111 person being checked; requiring licensees to disclose  
112 certain convictions; amending s. 550.2415, F.S.;  
113 revising provisions prohibiting cruelty to animals;  
114 providing that the prohibition applies to any act of  
115 cruelty involving any animal; authorizing the division  
116 to inspect any area at a pari-mutuel facility for

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117 certain purposes; amending s. 550.26165, F.S.;

118 providing for certain flexibility in the awards

119 programs of the Florida Thoroughbred Breeders'

120 Association in order to attract thoroughbred breeding

121 and training operations; prohibiting the association

122 from giving certain awards under certain

123 circumstances; amending s. 550.2625, F.S.; clarifying

124 provisions relating to owners' awards; amending s.

125 550.334, F.S.; revising provisions for permits to

126 conduct quarter horse race meetings; removing

127 provisions for application to the Division of Pari-

128 mutuel Wagering for a permit to conduct quarter horse

129 race meetings; removing provisions for granting a

130 license to conduct quarter horse racing; revising a

131 provision for governance and control of quarter horse

132 racing; revising authorization to substitute races of

133 other breeds of horses; providing for an exception to

134 a prohibition against the transfer or conversion of a

135 quarter horse permit; providing requirements for a

136 quarter horse racing permitholder to be eligible to

137 conduct intertrack wagering; providing requirements

138 for a quarter horse racing permitholder to be eligible

139 to operate a cardroom; removing certain provisions

140 restricting intertrack wagering; creating s. 550.3345,

141 F.S.; providing for the transfer of a quarter horse

142 racing permit to a not-for-profit corporation;

143 providing for membership and purpose of such

144 corporation; providing for conversion of such permit

145 to a limited thoroughbred permit; requiring net

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146 revenues derived by the not-for-profit corporation to  
147 be used for certain purposes relating to the  
148 thoroughbred horse racing industry; prohibiting live  
149 racing in certain locations during certain times;  
150 providing licensure requirements; providing for a  
151 change in location of the permit; prohibiting transfer  
152 of the converted permit; providing for application of  
153 state law to the permit and the corporation; providing  
154 an exception to certain provisions for failure to pay  
155 tax on handle; amending s. 550.3355, F.S.; revising  
156 the time period for a harness track summer season;  
157 repealing s. 550.3605, F.S., relating to use of  
158 electronic transmitting equipment on the premises of a  
159 horse or dog racetrack or jai alai fronton; amending  
160 s. 550.5251, F.S.; revising provisions for licensing  
161 to conduct thoroughbred racing; revising certain dates  
162 relating to licensing and the thoroughbred racing  
163 season; removing a provision for a summer thoroughbred  
164 horse racing permit; providing an exception to  
165 requirements relating to required races for  
166 thoroughbred permitholders; removing expired  
167 provisions relating to scheduled performances;  
168 amending s. 551.102, F.S.; redefining the terms  
169 "eligible facility" and "progressive system" to  
170 include licensed facilities in other jurisdictions;  
171 amending s. 551.104, F.S.; providing that the payout  
172 percentage of a slot machine gaming facility must be  
173 at least 85 percent; amending s. 551.106, F.S.;

174 revising the license fee and tax rate for slot machine

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175 licensees; providing for minimum tax revenue from the  
176 operation of slot machines; amending s. 551.121, F.S.;  
177 clarifying a provision prohibiting the use of a  
178 progressive system between licensed facilities;  
179 amending s. 849.086, F.S.; revising requirements for  
180 initial issuance of a cardroom license; requiring the  
181 permitholder to be licensed to conduct a full schedule  
182 of live racing or games during the state fiscal year  
183 in which the initial cardroom license is issued;  
184 revising provisions for renewal of a cardroom  
185 occupational license; revising requirements for  
186 occupational licensee's criminal records check;  
187 providing a limitation on occupational licensee fees;  
188 permitting cardroom operators to operate 24 hours per  
189 day; increasing certain wager and buy-in limits;  
190 permitting charity tournaments under certain  
191 conditions; amending ss. 772.102 and 895.02, F.S.;  
192 correcting cross-references; providing effective  
193 dates, one of which is contingent.

194

195 Be It Enacted by the Legislature of the State of Florida:

196

197 Section 1. Section 285.710, Florida Statutes, is created to  
198 read:

199 285.710 Compact authorization.—

200 (1) Terms used in this section have the same meaning as  
201 provided in s. 285.711.

202 (2) The agreement executed by the Governor and the Tribe on  
203 November 14, 2007, published in the Federal Register on January

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204 7, 2008, and subsequently invalidated by the Florida Supreme  
205 Court in the case of *Florida House of Representatives, et al.,*  
206 *v. Crist*, No. SC07-2154, is not ratified or approved by the  
207 Legislature and is void.

208 (3) Subject to the limitations in s. 285.711, the Governor  
209 is hereby authorized and directed to negotiate and execute a  
210 compact on behalf of the State with the Tribe pursuant to the  
211 federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss.  
212 1166-1168, and 25 U.S.C. s. 2701 et seq., and this act for the  
213 purpose of authorizing class III gaming on Seminole lands within  
214 this state. Any such compact shall not be deemed entered into by  
215 the state unless and until it is ratified by the Legislature.

216 (4) The Governor is authorized to bind the State to any  
217 amendment to the compact that is consistent with the terms and  
218 standards in this section and s. 285.711, provided that any  
219 amendment to provisions relating to covered games, the amount of  
220 revenue sharing payments, suspension or reduction of payments,  
221 or exclusivity shall require ratification by the Legislature.

222 (5) (a) The Governor shall provide a copy of the compact to  
223 the President of the Senate and the Speaker of the House of  
224 Representatives as soon as it is executed. The compact shall not  
225 be submitted to the Department of the Interior by or on behalf  
226 of the state or the Tribe until it has been ratified by the  
227 Legislature.

228 (b) The Governor shall provide a copy of any amendment to  
229 the compact to the President of the Senate and the Speaker of  
230 the House of Representatives as soon as it is executed and  
231 before or simultaneous with its submission to the Department of  
232 the Interior, provided that any amendment requiring ratification

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233 by the Legislature shall not be submitted to the Department of  
234 the Interior for approval until such ratification has occurred.

235 (6) The Governor shall preserve all documents, if any,  
236 which relate to the intent or interpretation of the compact, and  
237 maintain such documents for at least the term of the compact.

238 (7) If any provision of the compact relating to covered  
239 games, payments, suspension or reduction in payments, or  
240 exclusivity is held by a court of competent jurisdiction or by  
241 the Department of the Interior to be invalid, the compact is  
242 void.

243 (8) In the event that a subsequent change to the Indian  
244 Gaming Regulatory Act, or to an implementing regulation thereof,  
245 mandates the retroactive application of such change without the  
246 respective consent of the state or Tribe, the compact is void if  
247 it materially alters the terms and standards in the compact  
248 relating to the covered games, payments, suspension or reduction  
249 of payments, or exclusivity.

250 (9) The Governor shall ensure that all revenue sharing  
251 received pursuant to the compact and agreement executed by the  
252 Governor and the Tribe on November 14, 2007, is deposited into  
253 the Education Enhancement Trust Fund provided that, if necessary  
254 to comply with any covenant established pursuant to s.  
255 1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred  
256 to the Educational Enhancement Trust Fund shall be first  
257 available to pay debt service on lottery bonds issued to fund  
258 school construction in the event lottery revenues are  
259 insufficient for such purpose or to satisfy debt service reserve  
260 requirements established in connection with lottery bonds.

261 (10) Except for the authority granted to the Governor in

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262 subsections (4) and (13), the authority granted to the Governor  
263 by this section and s. 285.711 expires at 11:59 p.m. on August  
264 31, 2009.

265 (11) It is the intent of the Legislature to review a  
266 compact entered into under the provisions of this section within  
267 5 years after the compact is approved. It is the intent of the  
268 Legislature to consider the authorization of additional Class  
269 III games for operation by the Tribe based upon successful  
270 implementation of the compact and the history of compliance with  
271 the compact.

272 (12) The Division of Pari-mutuel Wagering of the Department  
273 of Business and Professional Regulation is designated as the  
274 state compliance agency having the authority to carry out the  
275 state's oversight responsibilities under a compact authorized by  
276 this act.

277 (13) (a) The Governor is authorized and directed to execute  
278 an agreement on behalf of the State of Florida with the Indian  
279 tribes in this state, acting on a government-to-government  
280 basis, to develop and implement a fair and workable arrangement  
281 to apply state taxes on persons and transactions on Indian  
282 lands. Such agreements shall address the imposition of specific  
283 taxes, including sales taxes and exemptions from those taxes.

284 (b) The agreement shall address the Tribe's collection and  
285 remittance of sales taxes imposed by chapter 212 to the  
286 Department of Revenue. The sales taxes collected and remitted by  
287 the Tribe shall be based on all sales to non-tribal members,  
288 except those non-tribal members who hold valid exemption  
289 certificates issued by the Department of Revenue, exempting the  
290 sales from taxes imposed by chapter 212.

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291 (c) The agreement shall require the Tribe to register with  
292 the Department of Revenue and remit to the Department of Revenue  
293 the taxes collected.

294 (d) The agreement shall require the Tribe to retain for at  
295 least a period of 5 years records of all sales to non-tribal  
296 members which are subject to taxation under chapter 212. The  
297 agreement shall permit the Department of Revenue to conduct an  
298 audit not more often than annually in order to verify such  
299 collections. The agreement shall require the Tribe to provide  
300 reasonable access during normal operating hours to records of  
301 transactions subject to the taxes collected.

302 (e) The agreement shall provide a procedure for the  
303 resolution of any disputes about the amounts collected pursuant  
304 to the agreement. For purposes of the agreement for the  
305 collection and remittance of sales taxes, the agreement must  
306 provide that the Tribe agrees to waive its immunity, except that  
307 the state may seek monetary damages limited to the amount of  
308 taxes owed.

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

312 (14) Any moneys remitted by the Tribe before the effective  
313 date of a compact entered into by the State and the Tribe  
314 pursuant to this act shall be deemed forfeited by the Tribe and  
315 released to the state without further obligation or encumbrance.  
316 The Legislature further finds that acceptance and appropriation  
317 of such funds does not legitimize, validate, or otherwise ratify  
318 any previously proposed compact or the operation of Class III  
319 games by the Tribe for any period prior to the effective date of

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320 a valid compact pursuant to this act.

321 (15) For the purpose of satisfying the requirement in 25  
322 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized  
323 under an Indian gaming compact must be permitted in the state  
324 for any purpose by any person, organization, or entity, the  
325 following Class III games or other games specified in this  
326 section are hereby authorized to be conducted by the Tribe  
327 pursuant to a compact that is substantially in the form provided  
328 in s. 285.711:

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

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

332 (c) Banking or banked card games, including baccarat,  
333 chemin de fer, and blackjack or 21 at the tribal facilities in  
334 Broward County and Hillsborough County.

335 (16) Notwithstanding any other provision of state law, it  
336 is not a crime for a person to participate in the games  
337 specified in subsection (15) at a tribal facility operating  
338 under a compact entered into pursuant to this act.

339 Section 2. Section 285.711, Florida Statutes, is created to  
340 read:

341 285.711 Gaming compact between the Seminole Tribe and the  
342 State of Florida.—The Governor is authorized and directed to  
343 negotiate and execute a gaming compact with the Seminole Tribe  
344 of Florida on behalf of the State of Florida subject to  
345 ratification by the Legislature, in the form substantially as  
346 follows:

347  
348 Gaming Compact Between the Seminole Tribe of Florida and the

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349 State of Florida

350  
351 This Compact is made and entered into by and between the  
352 Seminole Tribe of Florida, a federally recognized Indian Tribe,  
353 and the State of Florida, with respect to the operation of  
354 covered games on the Tribe's Indian lands as defined by the  
355 Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

356  
357 PART I.

358 TITLE.—This Compact shall be referred to as the "Seminole  
359 Tribe of Florida and State of Florida Gaming Compact."

360  
361 PART II.

362 RECITALS.—

363 A. The Seminole Tribe of Florida is a federally recognized  
364 tribal government possessing sovereign powers and rights of  
365 self-government.

366 B. The State of Florida is a state of the United States of  
367 America possessing the sovereign powers and rights of a state.

368 C. The State of Florida and the Seminole Tribe of Florida  
369 maintain a government-to-government relationship.

370 D. The United States Supreme Court has long recognized the  
371 right of an Indian Tribe to regulate activity on lands within  
372 its jurisdiction, but the Congress, through the Indian Gaming  
373 Regulatory Act, has given states a role in the conduct of tribal  
374 gaming in accordance with negotiated tribal-state compacts.

375 E. Pursuant to the Seminole Tribe Amended Gaming Ordinance,  
376 adopted by Resolution No. C-195-06, and approved by the National  
377 Indian Gaming Commission on July 10, 2006, hereafter referred to

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378 as the Seminole Tribal Gaming Code, the Seminole Tribe of  
379 Florida desires to offer the play of Covered Games, as defined  
380 in Part III. of this Compact, as a means of generating revenues  
381 for purposes authorized by the Indian Gaming Regulatory Act,  
382 including without limitation the support of tribal governmental  
383 programs, such as health care, housing, sewer and water  
384 projects, police, fire suppression, general assistance for  
385 tribal elders, day care for children, economic development,  
386 educational opportunities, per capita payments to tribal  
387 members, and other typical and valuable governmental services  
388 and programs for tribal members.

389 F. It is in the best interest of the State of Florida to  
390 enter into a compact with the Seminole Tribe of Florida. This  
391 Compact will generally benefit Florida, while at the same time  
392 limiting the expansion of gaming within the State. The State of  
393 Florida also recognizes that the significant revenue  
394 participation pursuant to the Compact in exchange for its  
395 exclusivity provisions provide an opportunity to increase and  
396 enhance the dollars available to spend on governmental programs  
397 that benefit the citizens of Florida.

398 G. The agreement executed by the Seminole Tribe of Florida  
399 and the Governor of Florida on November 14, 2007, published in  
400 the Federal Register on January 7, 2008, and subsequently  
401 invalidated by the Florida Supreme Court in the case of *Florida*  
402 *House of Representatives, et al., vs. Crist*, No. SC07-2154, is  
403 void.

404  
405 PART III.

406 DEFINITIONS.—As used in this Compact and the Appendices

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407 thereto:

408 A. "Annual Oversight Assessment" means the assessment  
409 described in Part XI., Section C. of this Compact.

410 B. "Class III gaming" means the forms of Class III gaming  
411 defined in 25 U.S.C. s. 2703(8) and by the regulations of the  
412 National Indian Gaming Commission in effect on January 1, 2009.

413 C. "Commission" means the Seminole Tribal Gaming  
414 Commission, which is the tribal governmental agency that has the  
415 authority to carry out the Tribe's regulatory and oversight  
416 responsibilities under this Compact.

417 D. "Compact" means the Seminole Tribe of Florida and State  
418 of Florida Gaming Compact.

419 E. "Covered Game" or "Covered Gaming Activity" means the  
420 following gaming activities:

421 1.(a) Slot machines, means any mechanical or electrical  
422 contrivance, terminal that may or may not be capable of  
423 downloading slot games from a central server system, machine, or  
424 other device that, upon insertion of a coin, bill, ticket,  
425 token, or similar object or upon payment of any consideration  
426 whatsoever, including the use of any electronic payment system,  
427 except a credit card or debit card, is available to play or  
428 operate, the play or operation of which, whether by reason of  
429 skill or application of the element of chance or both, may  
430 deliver or entitle the person or persons playing or operating  
431 the contrivance, terminal, machine, or other device to receive  
432 cash, billets, tickets, tokens, or electronic credits to be  
433 exchanged for cash or to receive merchandise or anything of  
434 value whatsoever, whether the payoff is made automatically from  
435 the machine or manually. The term includes associated equipment

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436 necessary to conduct the operation of the contrivance, terminal,  
437 machine, or other device. Slot machines may use spinning reels,  
438 video displays, or both.

439 (b) If at any time, State law authorizes the use of  
440 electronic payments systems utilizing credit or debit card  
441 payment for the play or operation of slot machines for any  
442 person, the Tribe shall be authorized to use such payment  
443 systems;

444 2. No limit poker; and

445 3. Banking or banked card games, including baccarat, chemin  
446 de fer and blackjack at the Facilities located in Broward County  
447 and Hillsborough County as described in Part IV., Section B.,  
448 subsections 2., 3., 6., and 7.

449  
450 This definition specifically does not include roulette, craps,  
451 roulette styled games, or craps-styled games.

452 F. "Covered Game Employee" or "Covered Employee" means any  
453 individual employed and licensed by the Tribe whose  
454 responsibilities include the rendering of services with respect  
455 to the operation, maintenance or management of Covered Games,  
456 including, but not limited to, the following: managers and  
457 assistant managers; accounting personnel; Commission officers;  
458 surveillance and security personnel; cashiers, supervisors, and  
459 floor personnel; cage personnel; and any other employee whose  
460 employment duties require or authorize access to areas of the  
461 Facility related to the conduct of Covered Games or the  
462 technical support or storage of Covered Game components. This  
463 definition does not include the Tribe's elected officials  
464 provided that such individuals are not directly involved in the

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465 operation, maintenance, or management of Covered Games or  
466 Covered Games components.

467 G. "Documents" means books, records, electronic, magnetic  
468 and computer media documents and other writings and materials,  
469 copies thereof, and information contained therein.

470 H. "Effective Date" means the date on which the Compact  
471 becomes effective pursuant to Part XVI., Section A. of this  
472 Compact.

473 I. "Facility" or "Facilities" means any building of the  
474 Tribe in which the Covered Games authorized by this Compact are  
475 conducted on Indian lands as defined by the Indian Gaming  
476 Regulatory Act.

477 J. "Guaranteed Minimum Payment" means the minimum payment  
478 the Tribe agrees to make to the State as provided by Part XI. of  
479 the Compact.

480 K. "Indian Gaming Regulatory Act" or "IGRA" means the  
481 Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17,  
482 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq.,  
483 and 18 U.S.C. ss. 1166-1168.

484 L. "Net Poker Income" means the total revenue from all  
485 hands played, including buy-ins and rebuys.

486 M. "Net Win" means gross gaming revenue for Class III  
487 games, which is the difference between gaming wins and losses,  
488 before deducting costs and expenses.

489 N. "Non-tribal member" means a person who is not a bona  
490 fide member of an Indian tribe as defined in 25 U.S.C. s.  
491 2703(5).

492 O. "Patron" means any person who is on the premises of a  
493 Facility, or who is entering the Tribe's Indian lands for the

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494 purpose of playing Covered Games authorized by this Compact.

495 P. "Reservation" means any of the seven Tribal locations  
496 currently with gaming facilities, specifically enumerated in  
497 Part IV., Section B.

498 Q. "Revenue Share" means the periodic payment by the Tribe  
499 to the State provided for in Part XI., Sections A. and B. of  
500 this Compact.

501 R. "Revenue Sharing Cycle" means the annual (12-month)  
502 period of the Tribe's operation of Covered Games in its  
503 Facilities and whose first annual cycle shall commence on the  
504 day the Tribe makes Covered Games available for public play in  
505 its Facilities.

506 S. "Rules and regulations" means the rules and regulations  
507 promulgated by the Commission for implementation of this  
508 Compact.

509 T. "State" means the State of Florida.

510 U. "State Compliance Agency" or "SCA" means the Division of  
511 Pari-mutuel Wagering of the Department of Business and  
512 Professional Regulation, which is designated as the state agency  
513 having the authority to carry out the state's oversight  
514 responsibilities under this compact.

515 V. "Tribe" means the Seminole Tribe of Florida or any  
516 affiliate thereof conducting activities pursuant to this Compact  
517 under the authority of the Seminole Tribe of Florida.

518

519 PART IV.

520 AUTHORIZATION AND LOCATION OF COVERED GAMES.—

521 A. The Tribe and State agree that the Tribe is authorized  
522 to operate Covered Games on its Indian lands, as defined in the

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523 Indian Gaming Regulatory Act, in accordance with the provisions  
524 of this Compact. However, except for the provisions in Part XI.,  
525 Section A. below, nothing in this Compact shall limit the  
526 Tribe's right to operate any game that is Class II under the  
527 Indian Gaming Regulatory Act.

528 B. The Tribe is authorized to conduct Covered Games under  
529 this Compact at only the following seven existing gaming  
530 Facilities on Tribal lands, except as limited by Part III,  
531 Section E., Subsection 3.:

532 1. Seminole Indian Casino on the Brighton Indian  
533 Reservation in Okeechobee County.

534 2. Seminole Indian Casino in the City of Coconut Creek in  
535 Broward County.

536 3. Seminole Indian Casino in the City of Hollywood in  
537 Broward County.

538 4. Seminole Indian Casino in Immokalee in Collier County.

539 5. Seminole Indian Big Cypress Casino in the City of  
540 Clewiston in Hendry County.

541 6. Seminole Hard Rock Hotel & Casino in the City of  
542 Hollywood in Broward County.

543 7. Seminole Hard Rock Hotel & Casino in the City of Tampa  
544 in Hillsborough County.

545 C. Any of the identified Facilities in Section B. may be  
546 expanded or replaced by another Facility on the same reservation  
547 with advance notice to the State of sixty (60) calendar days,  
548 subject to the understanding that the number of existing  
549 Facilities on each reservation and the number of reservations  
550 upon which Class III gaming is authorized shall remain the same  
551 as provided in Section B.

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PART V.

RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR  
OPERATIONS.—

A. At all times during the term of this Compact, the Tribe shall be responsible for all duties which are assigned to it and the Commission under this Compact. The Tribe shall promulgate any rules and regulations necessary to implement this Compact, which at a minimum shall expressly include or incorporate by reference all provisions of this Part and the procedural requirements of Part VI. of this Compact. Nothing in this Compact shall be construed to affect the Tribe's right to amend its rules and regulations, provided that any such amendment shall be in conformity with this Compact and subject to approval by the SCA. The SCA may propose additional rules and regulations consistent with and related to the implementation of this Compact to the Commission at any time, and the Commission shall give good faith consideration to such suggestions and shall notify the SCA of its response or action with respect thereto.

B. All Facilities shall comply with, and all Covered Games approved under this Compact shall be operated in accordance with, the requirements set forth in this Compact, including, but not limited to, those set forth in Sections C. and D. of this Part and the Tribe's Internal Control Policies and Procedures. In addition, all Facilities and all Covered Games shall be operated in strict compliance with tribal internal control standards that provide a level of control that equals or exceeds those set forth in the National Indian Gaming Commission's Minimum Internal Control Standards (25 C.F.R. Part 542), as the

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581 same may be amended or supplemented from time to time.

582 C. The Tribe and the Commission shall retain all records in  
583 compliance with the requirements set forth in the Record  
584 Retention Policies and Procedures.

585 D. The Tribe will continue and maintain its program to  
586 combat problem gambling and curtail compulsive gambling,  
587 including work with the Florida Council on Compulsive Gambling  
588 or other organizations dedicated to assisting problem gamblers.  
589 The Tribe will continue to maintain the following safeguards  
590 against problem gambling.

591 1. The Tribe shall make an annual donation to the Florida  
592 Council on Compulsive Gambling in an amount not less than  
593 \$250,000 per Facility.

594 2. The Tribe will provide a comprehensive training and  
595 education program designed in cooperation with the Florida  
596 Council on Compulsive Gambling (or other organization dedicated  
597 to assisting problem gamblers) to every new gaming employee.

598 3. The Tribe will make printed materials available to  
599 Patrons, which include contact information for the Florida  
600 Council on Compulsive Gambling 24-Hour Helpline (or other  
601 hotline dedicated to assisting problem gamblers), and will work  
602 with the Florida Council on Compulsive Gambling (or other  
603 organization dedicated to assisting problem gamblers) to provide  
604 contact information for the Florida Council on Compulsive  
605 Gambling (or other organization dedicated to assisting problem  
606 gamblers), and to provide such information on the Facilities'  
607 Internet website. The Tribe will continue to display all  
608 literature from the Florida Council on Compulsive Gambling (or  
609 other organization dedicated to assisting problem gamblers)

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610 within the Facilities.

611 4. The Commission shall establish a list of the Patrons  
612 voluntarily excluded from the Tribe's Facilities, pursuant to  
613 subsection 5.

614 5. The Tribe shall employ its best efforts to exclude  
615 Patrons on such list from entry into its Facilities; provided  
616 that nothing in this Compact shall create for Patrons who are  
617 excluded but gain access to the Facilities, or any other person,  
618 a cause of action or claim against the State, the Tribe or the  
619 Commission, or any other person, entity, or agency for failing  
620 to enforce such exclusion.

621 6. Patrons who believe they may be playing Covered Games on  
622 a compulsive basis may request that their names be placed on the  
623 list of the Patrons voluntarily excluded from the Tribe's  
624 Facilities.

625 7. All Covered Game employees shall receive training on  
626 identifying players who have a problem with compulsive gambling  
627 and shall be instructed to ask them to leave. Signs bearing a  
628 toll-free help-line number and educational and informational  
629 materials shall be made available at conspicuous locations and  
630 automated teller machines in each Facility, which aim at the  
631 prevention of problem gaming and which specify where Patrons may  
632 receive counseling or assistance for gambling problems. All  
633 Covered Game employees shall also be screened for compulsive  
634 gambling habits. Nothing in this Section shall create for  
635 Patrons, or any other person, a cause of action or claim against  
636 the State, the Tribe or the Commission, or any other person,  
637 entity, or agency for failing to identify a Patron or person who  
638 is a compulsive gambler or ask that person to leave.

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639           8. The Tribe shall follow the rules for exclusion of  
640 Patrons set forth in Article XI of the Seminole Tribal Gaming  
641 Code.

642           9. The Tribe shall make diligent efforts to prevent  
643 underage individuals from loitering in the area of each Facility  
644 where the Covered Games take place.

645           10. The Tribe shall assure that advertising and marketing  
646 of the Covered Games at the Facilities contain a responsible  
647 gambling message and a toll-free help-line number for problem  
648 gamblers, where practical, and that they make no false or  
649 misleading claims.

650           E. Summaries of the rules for playing Covered Games and  
651 promotional contests shall be visibly displayed in the  
652 Facilities. Complete sets of rules shall be available in the  
653 Facilities upon request. Copies of all such rules shall be  
654 provided to the SCA within thirty (30) calendar days of their  
655 issuance or their amendment.

656           F. The Tribe shall provide the Commission and SCA with a  
657 chart of the supervisory lines of authority with respect to  
658 those directly responsible for the conduct of Covered Games, and  
659 shall promptly notify those agencies of any material changes  
660 thereto.

661           G. The Tribe engages in and shall continue to maintain  
662 proactive approaches to prevent improper alcohol sales, drunk  
663 driving, underage drinking, and underage gambling. These  
664 approaches involve intensive staff training, screening and  
665 certification, Patron education, and the use of security  
666 personnel and surveillance equipment in order to enhance  
667 Patrons' enjoyment of the Facilities and provide for Patron

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668 safety. Staff training includes specialized employee training in  
669 nonviolent crisis intervention, driver's license verification,  
670 and the detection of intoxication. Patron education is carried  
671 out through notices transmitted on valet parking stubs, posted  
672 signs in the Facilities, and in brochures. Roving and fixed  
673 security officers, along with surveillance cameras, assist in  
674 the detection of intoxicated Patrons, investigate problems, and  
675 engage with Patrons to de-escalate volatile situations. To help  
676 prevent alcohol-related crashes, the Tribe will continue to  
677 operate the "Safe Ride Home Program," a free taxi service.  
678 Additionally, to reduce risks of underage gambling and underage  
679 drinking, the Tribe will continue to prohibit entry onto the  
680 casino floor of anyone under twenty-one (21) years of age. The  
681 Tribe shall maintain these programs and policies in its Alcohol  
682 Beverage Control Act for the duration of the Compact but may  
683 replace such programs and policies with either stricter or more  
684 extensive programs and policies. The Tribe shall provide the  
685 State with written notice of any changes to the programs and  
686 policies in the Tribe's Alcohol Beverage Control Act, which  
687 notice shall include a copy of such changes and shall be sent on  
688 or before the effective date of the change. Nothing in this  
689 Section shall create for Patrons, or any other person, a cause  
690 of action or claim against the State, the Tribe or the  
691 Commission, or any other person, entity, or agency for failing  
692 to fulfill the requirements of this Section.

693 H. No person under twenty-one (21) years of age shall be  
694 allowed to play Covered Games unless otherwise permitted by  
695 state law.

696 I. The Tribe may establish and operate Facilities that

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697 operate Covered Games only on the reservations as defined by the  
698 Indian Gaming Regulatory Act and as specified in Part IV. of  
699 this Compact.

700 J. The Commission shall keep a record of, and shall report  
701 at least quarterly to the SCA, the number of Covered Games in  
702 each Facility, by the name or type of each and its identifying  
703 number.

704 K. The Tribe and the Commission shall make available a copy  
705 of the following documents to any member of the public upon  
706 request: the minimum internal control standards of the National  
707 Indian Gaming Commission; the Seminole Tribal Gaming Code; this  
708 Compact; the rules of each Covered Game operated by the Tribe;  
709 and the administrative procedures for addressing Patron tort  
710 claims under Part VI.

711 L. Cessation of Banking or Banked Card Games. The Tribe  
712 shall stop all banked card games occurring on Tribal lands at  
713 any existing gaming facility within any county of the state,  
714 other than Broward County or Hillsborough County, within ninety  
715 (90) days after the date this Compact is executed by the State  
716 and the Tribe.

717  
718 PART VI.

719 PATRON DISPUTES; WORKERS' COMPENSATION; TORT CLAIMS; PRIZE  
720 CLAIMS; LIMITED CONSENT TO SUIT.—

721 A. All Patron disputes involving gaming will be resolved in  
722 accordance with the procedures established in Article XI of the  
723 Seminole Tribal Gaming Code.

724 B. Tort claims by employees of the Tribe's Facilities will  
725 be handled pursuant to the provisions of the Tribe's Workers'

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726 Compensation Ordinance, which shall provide workers the same or  
727 better protections as set forth in Florida's workers'  
728 compensation laws.

729 C. Disputes by employees of the Tribe's Facilities will be  
730 handled pursuant to the provisions of the Tribe's policy for  
731 gaming employees, the Employee Fair Treatment and Dispute  
732 Resolution Policy as provided in part XVIII.G.

733 D.1. A Patron who claims to have been injured in a Facility  
734 where Covered Games are played is required to provide written  
735 notice to the Tribe's Risk Management Department or the  
736 Facility, in a reasonable and timely manner.

737 2. The Tribe shall have ten (10) days to respond to a claim  
738 made by a Patron. When the Tribe responds to an incident alleged  
739 to have caused a Patron's injury or illness, the Tribe shall  
740 provide a claim form to the Patron. It is the Patron's  
741 responsibility to complete the form and forward the form to the  
742 Tribe's Risk Management Department within a reasonable period of  
743 time, and in a reasonable and timely manner.

744 3. Upon receiving written notification of the claim, the  
745 Tribe's Risk Management Department shall forward the  
746 notification to the Tribe's insurance carrier. The Tribe will  
747 use its best efforts to assure that the insurance carrier  
748 contacts the Patron within a reasonable period of time following  
749 receipt of the claim.

750 4. The insurance carrier will handle the claim to  
751 conclusion. If the Patron and the insurance carrier are not able  
752 to resolve the claim, the Patron may bring a tort claim against  
753 the Tribe in any court of competent jurisdiction in the County  
754 in which the incident occurred, subject to a four (4) year

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755 statute of limitations, which shall begin to run from the date  
756 of the incident of the alleged claimed injury. Nothing in this  
757 Part shall preclude a Patron from asserting a tort claim against  
758 the Tribe from immediately filing suit in any court of competent  
759 jurisdiction in the county where the claim arises without  
760 resorting to or exhausting tribal remedies.

761 5. In no event shall the Tribe be deemed to have waived its  
762 tribal immunity from suit beyond \$500,000 for an individual tort  
763 claim and \$1,000,000 for the tort claims of all persons or  
764 entities claiming injury in tort arising out of a single event  
765 or occurrence. These limitations are intended to include  
766 liability for compensatory damages as well as any costs,  
767 prejudgment interest, and attorney's fees arising out of any  
768 claim brought or asserted against the Tribe, its subordinate  
769 governmental and economic units as well as any Tribal officials,  
770 employees, servants, or agents in their official capacities.

771 6. The Tribe shall obtain and maintain a commercial general  
772 liability policy which provides coverage of no less than  
773 \$1,000,000 per occurrence and \$10,000,000 in the aggregate for  
774 bodily injury, personal injury, and property damage arising out  
775 of, connected with, or relating to the operation of Facilities  
776 where Covered Games are offered.

777 7. Notices explaining the procedures and time limitations  
778 with respect to making a tort claim shall be prominently  
779 displayed in the Facilities, posted on the Tribe's website, and  
780 provided to any Patron for whom the Tribe has notice of the  
781 injury or property damage giving rise to the tort claim. Such  
782 notices shall explain the method and places for making a tort  
783 claim.

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784 8. The Tribe's insurance policy shall:

785 (a) Prohibit the insurer or the Tribe from invoking tribal  
786 sovereign immunity up to the limits of the policy with respect  
787 to any claim covered under the policy and disposed of in  
788 accordance with the Tribe's tort claim procedures.

789 (b) Include covered claims made by a Patron or invitee for  
790 personal injury or property damage.

791 (c) Permit the insurer or the Tribe to assert any statutory  
792 or common law defense other than sovereign immunity.

793 (d) Provide that any award or judgment rendered in favor of  
794 a Patron or invitee shall be satisfied solely from insurance  
795 proceeds.

796  
797 PART VII.

798 ENFORCEMENT OF COMPACT PROVISIONS.—

799 A. The Tribe and the Commission shall be responsible for  
800 regulating activities pursuant to this Compact. As part of its  
801 responsibilities, the Tribe has adopted or issued standards  
802 designed to ensure that the Facilities are constructed,  
803 operated, and maintained in a manner that adequately protects  
804 the environment and public health and safety. Additionally, the  
805 Tribe shall ensure that:

806 1. Operation of the conduct of Covered Games is in strict  
807 compliance with (i) the Seminole Tribal Gaming Code, (ii) all  
808 rules, regulations, procedures, specifications, and standards  
809 lawfully adopted by the National Indian Gaming Commission and  
810 the Commission, and (iii) the provisions of this Compact,  
811 including, but not limited to, the standards and the Tribe's  
812 rules and regulations set forth in the Appendices;

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813 2. Reasonable measures are taken to:

814 (a) Assure the physical safety of Facility Patrons,  
815 employees, and any other person while in the Facility;

816 (b) Prevent illegal activity at the Facilities or with  
817 regard to the operation of Covered Games, including, but not  
818 limited to, the maintenance of employee procedures and a  
819 surveillance system;

820 (c) Ensure prompt notification is given to appropriate law  
821 enforcement authorities of persons who may be involved in  
822 illegal acts in accordance with applicable law;

823 (d) Ensure that the construction and maintenance of the  
824 Facilities comply with the standards that are at least as  
825 stringent as the Florida Building Code, the provisions of which  
826 the Tribe has adopted as the Seminole Tribal Building Code;

827 (e) Ensure adequate emergency access plans have been  
828 prepared to ensure the health and safety of all Covered Game  
829 Patrons;

830 (f) Employ, permit, or authorize only medical professionals  
831 at its gaming facilities that are licensed by this state;

832 (g) Allow unimpeded access to the gaming facilities by  
833 municipal or county emergency medical services; and

834 (h) Ensure, at a minimum, that the environmental  
835 requirements of any federal permit will meet the standards  
836 established for the state's environmental resource permitting  
837 program as provided for in s. 373.414, Florida Statutes.

838 B. All licenses for members and employees of the Commission  
839 shall be issued according to the same standards and terms  
840 applicable to Facility employees. The Commission's compliance  
841 officers shall be independent of the Tribal gaming operations,

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842 and shall be supervised by and accountable only to the  
843 Commission. A Commission compliance officer shall be available  
844 to the Facility during all hours of operation upon reasonable  
845 notice, and shall have immediate access to any and all areas of  
846 the Facility for the purpose of ensuring compliance with the  
847 provisions of this Compact. The Commission shall investigate any  
848 such suspected or reported violation of this Part and shall  
849 officially enter into its files timely written reports of  
850 investigations and any action taken thereon, and shall forward  
851 copies of such investigative reports to the SCA within 30  
852 calendar days of such filing. The scope of such reporting shall  
853 be determined by a Memorandum of Understanding between the  
854 Commission and the SCA as soon as practicable after the  
855 Effective Date of this Compact. Any such violations shall be  
856 reported immediately to the Commission, and the Commission shall  
857 immediately forward the same to the SCA. In addition, the  
858 Commission shall promptly report to the SCA any such violations  
859 which it independently discovers.

860 C. In order to develop and foster a positive and effective  
861 relationship in the enforcement of the provisions of this  
862 Compact, representatives of the Commission and the SCA shall  
863 meet, not less than on an annual basis, to review past practices  
864 and examine methods to improve the regulatory scheme created by  
865 this Compact. The meetings shall take place at a location  
866 mutually agreed to by the Commission and the SCA. The SCA, prior  
867 to or during such meetings, shall disclose to the Commission any  
868 concerns, suspected activities, or pending matters reasonably  
869 believed to possibly constitute violations of this Compact by  
870 any person, organization, or entity, if such disclosure will not

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871 compromise the interest sought to be protected.

872  
873 PART VIII.

874 STATE MONITORING OF COMPACT.—

875 A. The State shall secure an annual independent financial  
876 audit of the conduct of Covered Games subject to this Compact.  
877 The audit shall examine revenues in connection with the conduct  
878 of Covered Games and shall include only those matters necessary  
879 to verify the determination of Net Win and the basis and amount  
880 of, and the right to, and the amount of the payments the Tribe  
881 is obligated to make to the State pursuant to Part XI. of this  
882 Compact and as defined by this Compact. A copy of the audit  
883 report for the conduct of Covered Games shall be submitted to  
884 the Commission within thirty (30) calendar days of completion.  
885 Representatives of the SCA may, upon request, meet with the  
886 Tribe and its auditors to discuss the audit or any matters in  
887 connection therewith; provided, such discussions are limited to  
888 Covered Games information. The annual independent financial  
889 audit shall be performed by an independent accounting firm, with  
890 experience in auditing casino operations, selected by the State,  
891 subject to the consent of the Tribe, which shall not be  
892 unreasonably withheld. The Tribe shall pay the accounting firm  
893 for the costs of the annual independent financial audit.

894 B. The SCA shall, pursuant to the provisions of this  
895 Compact, monitor the conduct of Covered Games to ensure that the  
896 Covered Games are conducted in compliance with the provisions of  
897 this Compact. In order to properly monitor the conduct of  
898 Covered Games, agents of the SCA without prior notice or with  
899 concurrent notice shall have reasonable access to all public

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900 areas of the Facilities related to the conduct of Covered Games  
901 as provided herein.

902 1. While the Commission will act as the regulator of the  
903 Facilities, the SCA may take reasonable steps to assure that  
904 operations at the Facilities comply with the terms of this  
905 Compact and may advise on such issues as it deems appropriate.

906 2. In order to fulfill its oversight responsibilities, the  
907 State has identified specific oversight testing procedures, set  
908 forth below in subsection 3., paragraphs (a), (b), and (c),  
909 which the SCA may perform on a routine basis.

910 3. (a) The Tribe shall permit access to the SCA to inspect  
911 with at least concurrent notice any Covered Games in operation  
912 at the Facilities on a random basis, without limitation as to  
913 frequency, to confirm that the Covered Games operate and play  
914 properly pursuant to the manufacturer's technical standards and  
915 are conducted in compliance with the rules, regulations, and  
916 standards established by the Commission and this Compact. Such  
917 random inspections shall occur during normal operating hours. No  
918 advance notice is required when the SCA inspects public and  
919 nonpublic areas of the Facility. However, representatives of the  
920 SCA shall provide notice to the Commission of their presence for  
921 such inspections. A Commission agent may accompany the  
922 inspection.

923 (b) For each Facility, the SCA may perform one annual  
924 review of the slot machine compliance audit.

925 (c) At least on an annual basis, the SCA may meet with the  
926 Tribe's Internal Audit Department for Gaming to review internal  
927 controls and violations of same by the Facilities.

928 4. The SCA will seek to work with and obtain the assistance

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929 of the Commission in the resolution of any conflicts with the  
930 management of the Facilities, and the State and the Tribe shall  
931 make their best efforts to resolve disputes through negotiation  
932 whenever possible. Therefore, in order to foster a spirit of  
933 cooperation and efficiency, the parties hereby agree that when  
934 disputes arise between the SCA staff and Commission regulators  
935 from the day-to-day regulation of the Facilities, they should  
936 generally be resolved first through meeting and conferring in  
937 good faith. This voluntary process does not proscribe the right  
938 of either party to seek other relief that may be available when  
939 circumstances require such relief. In the event of a dispute or  
940 disagreement between Tribal and SCA regulators, the dispute or  
941 disagreement shall be resolved in accordance with the dispute  
942 resolution provisions of Part XIII. of this Compact.

943 5. Access to each Facility by the SCA shall be during the  
944 Facility's operating hours only, provided that to the extent  
945 such inspections are limited to areas of the Facility where the  
946 public is normally permitted, the SCA agents may inspect the  
947 Facility without giving prior notice to the Tribe or the  
948 Commission.

949 6. Any suspected or claimed violations of this Compact or  
950 law shall be directed in writing to the Commission; the SCA  
951 agents, in conducting the functions assigned them under this  
952 Compact, shall not unreasonably interfere with the functioning  
953 of any Facility.

954 7. Before the SCA agents enter any nonpublic area of a  
955 Facility, they shall provide photographic identification to the  
956 Commission. The SCA agents shall be accompanied in nonpublic  
957 areas of the Facility by a Commission officer. Prior notice or

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958 concurrent notice by the SCA to the Commission is required to  
959 assure that a Commission officer is available to accompany the  
960 SCA agents at all times.

961 8. There is no limit to the number of times or  
962 opportunities that the SCA may inspect any covered games or  
963 gaming devices in operation at a Facility on a random basis to  
964 confirm that the operation and play of the games or devices  
965 conform to manufacturer's technical standards or to the  
966 standards specified in the compact.

967 9. There is no limit to the number of times the SCA may  
968 review internal controls and violations by a Facility.

969 10. All gaming machines on the premises of each Facility  
970 will be connected to a central computerized reporting and  
971 auditing system on the gaming facility premises. The system  
972 shall:

973 (a) Collect on a continual basis the unaltered activity of  
974 each gaming machine in use at the gaming facility.

975 (b) Provide access to the state by a dedicated  
976 telecommunications connection, on a "read-only" basis, upon  
977 entry of appropriate security codes, and permit access to and  
978 downloads of the wager and payout data of each machine,  
979 electronically captured by the central computer. However, the  
980 compact may not authorize the state to alter or affect the  
981 operation of any gaming machine or other device on the premises  
982 of the authorized gaming facility or the data provided to the  
983 central computer.

984 (c) Be constructed and installed at the Tribe's expense to  
985 provide electronic access to the state for the machine wager and  
986 payout data collected by the central computer.

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987 (d) Be designed in conjunction with the state and the  
988 Tribe's technical staff so as to preserve the integrity of the  
989 system and the data contained therein, to minimize any  
990 possibility of unauthorized access to the system or tampering  
991 with the data, and to minimize any access by the state to  
992 information other than machine wager and payout data residing in  
993 the central reporting and auditing system.

994 C. Subject to the provisions herein, agents of the SCA  
995 shall have the right to review, request, and receive copies of  
996 documents of the Facility related to its conduct of Covered  
997 Games. The review and copying of such documents shall be during  
998 normal business hours unless otherwise allowed by the Tribe at  
999 the Tribe's discretion. The Tribe shall not refuse said  
1000 inspection and copying of such documents, provided that the  
1001 inspectors may not require copies of documents in such volume  
1002 that it unreasonably interferes with the normal functioning of  
1003 the Facilities or Covered Games. To the extent that the Tribe  
1004 provides the State with information which the Tribe claims to be  
1005 confidential and proprietary, or a trade secret, the Tribe shall  
1006 clearly mark such information with the following designation:  
1007 "Trade Secret, Confidential and Proprietary." If the State  
1008 receives a request under Chapter 119, Florida Statutes, that  
1009 would include such designated information, the State shall  
1010 promptly notify the Tribe of such a request. The SCA may provide  
1011 copies of tribal documents to federal law enforcement and other  
1012 State agencies or State consultants that the State deems  
1013 reasonably necessary in order to conduct or complete any  
1014 investigation of suspected criminal activity in connection with  
1015 the Tribe's Covered Games or the operation of the Facilities or

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1016 in order to assure the Tribe's compliance with this Compact.

1017 D. At the completion of any SCA inspection or  
1018 investigation, the SCA may forward a written report thereof to  
1019 the Commission, containing all pertinent, nonconfidential,  
1020 nonproprietary information regarding any violation of applicable  
1021 laws or this Compact which was discovered during the inspection  
1022 or investigation unless disclosure thereof would adversely  
1023 impact an investigation of suspected criminal activity. Nothing  
1024 herein prevents the SCA from contacting tribal or federal law  
1025 enforcement authorities for suspected criminal wrongdoing  
1026 involving the Commission.

1027 E. Except as expressly provided in this Compact, nothing in  
1028 this Compact shall be deemed to authorize the State to regulate  
1029 the Tribe's government, including the Commission, or to  
1030 interfere in any way with the Tribe's selection of its  
1031 governmental officers, including members of the Commission.

1032  
1033 PART IX.

1034 JURISDICTION.—The obligations and rights of the State and  
1035 the Tribe under this Compact are contractual in nature, and are  
1036 to be construed and enforced in accordance with the laws of the  
1037 State of Florida. This Compact shall not alter tribal, federal,  
1038 or state civil adjudicatory or criminal jurisdiction in any way.

1039  
1040 PART X.

1041 LICENSING.—The Tribe and the Commission shall comply with  
1042 the licensing and hearing requirements set forth in 25 C.F.R.  
1043 Parts 556 and 558, as well as the applicable licensing and  
1044 hearing requirements set forth in Articles IV-VI of the Seminole

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1045 Tribal Gaming Code. The Commission shall notify the SCA of any  
1046 disciplinary hearings or revocation or suspension of licenses.

1048 PART XI.

1049 PAYMENTS TO THE STATE OF FLORIDA.—

1050 A. The parties acknowledge and recognize that this Compact  
1051 provides the Tribe with partial but substantial exclusivity and  
1052 other valuable consideration consistent with the goals of the  
1053 Indian Gaming Regulatory Act, including special opportunities  
1054 for tribal economic development through gaming within the  
1055 external boundaries of Florida with respect to the play of  
1056 Covered Games. In consideration thereof, the Tribe covenants and  
1057 agrees, subject to the conditions agreed upon in Part XII. of  
1058 this Compact, to make Payments to the State derived from Net Win  
1059 as set forth in Section B. The Tribe further agrees to convert  
1060 all of its Class II video bingo terminals (or their equivalents)  
1061 to Class III slot machines within twenty-four (24) months after  
1062 the Effective Date of this Compact, or the Payment to the State  
1063 shall be calculated as if the conversion has been completed,  
1064 whether or not the Tribe has fully executed its conversion. The  
1065 Tribe further agrees that it will not purchase or lease any new  
1066 Class II video bingo terminals (or their equivalents) after the  
1067 Effective Date of this Compact.

1068 B. Payment schedule.—Subject to the provisions in this Part  
1069 of the Compact, and subject to the limitations agreed upon in  
1070 Part XII. of the Compact, the amounts paid by the Tribe to the  
1071 State shall be calculated as follows:

1072 1. For each Revenue Sharing Cycle, the Tribe agrees to pay  
1073 not less than a Guaranteed Minimum Payment of One Hundred Fifty

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1074 Million Dollars (\$150,000,000) if the Revenue Share calculated  
1075 for that Revenue Sharing Cycle under subsection 3., below, is  
1076 less than the Guaranteed Minimum Payment.

1077 2. All Guaranteed Minimum Payments shall be deducted from  
1078 and credited toward the Revenue Share in each Revenue Sharing  
1079 Cycle set forth below in subsection 3.

1080 3. For each Revenue Sharing Cycles, to the extent that the  
1081 Revenue Share exceeds the Guaranteed Minimum Payment for each  
1082 Revenue Sharing Cycle, the Tribe agrees, as further provided in  
1083 subsection 4., to pay a Revenue Share for that Revenue Sharing  
1084 Cycle equal to the total amount calculated from the operation  
1085 and play of Covered Games from each Revenue Sharing Cycle as  
1086 follows:

1087 (a) Twelve percent (12%) of all amounts up to Two and one  
1088 half Billion Dollars (\$2,500,000,000) of Net Win received by the  
1089 Tribe from the operation and play of Covered Games from each  
1090 Revenue Sharing Cycle;

1091 (b) Fifteen percent (15%) of all amounts between Two and  
1092 one half Billion and One Dollars (\$2,500,000,001) and Three  
1093 Billion Dollars (\$3,000,000,000) of Net Win received by the  
1094 Tribe from the operation and play of Covered Games from each  
1095 Revenue Sharing Cycle;

1096 (c) Twenty percent (20%) of all amounts between Three  
1097 Billion and One Dollar (\$3,000,000,001) and Four Billion Dollars  
1098 (\$4,000,000,000) of Net Win received by the Tribe from the  
1099 operation and play of Covered Games from each Revenue Sharing  
1100 Cycle;

1101 (d) Twenty-two and one half percent (22.5%) of all amounts  
1102 between Four Billion and One Dollar (\$4,000,000,001) and Four

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1103 and one half Billion Dollars (\$4,500,000,000) of Net Win  
1104 Received by the Tribe from the operation and play of Covered  
1105 Games from each Revenue Sharing Cycle; and

1106 (e) Twenty-five percent (25%) of all amounts over Four and  
1107 one half Billion Dollars (\$4,500,000,000) of Net Win received by  
1108 the Tribe from the operation and play of Covered Games from each  
1109 Revenue Sharing Cycle.

1110 4.(a) On or before the fifteenth day of the month following  
1111 the first month of the Revenue Sharing Cycle, the Tribe will  
1112 remit to the State the greater amount of eight and one-third  
1113 percent (8.3 percent) of the estimated annual Revenue Share or  
1114 eight and one-third percent (8.3 percent) of the Guaranteed  
1115 Minimum Payment ("the monthly payment").

1116 (b) The Tribe will make available to the State at the time  
1117 of the monthly payment the basis for the calculation of the  
1118 Payment.

1119 (c) Each month the Tribe will internally "true up" the  
1120 calculation of the estimated Revenue Share based on the Tribe's  
1121 un-audited financial statements related to Covered Games.

1122 5.(a) On or before the forty-fifth day after the third  
1123 month, sixth month, ninth month, and twelfth month of each  
1124 Revenue Sharing Cycle, provided that the twelve (12) month  
1125 period does not coincide with the Tribe's fiscal year end date  
1126 as indicated in paragraph (c), the Tribe will provide the State  
1127 with an audit report by its independent auditors as to the  
1128 accuracy of the annual Revenue Share calculation.

1129 (b) For each quarter of these Revenue Sharing Cycles the  
1130 Tribe will engage its independent auditors to conduct a review  
1131 of the un-audited net revenue from Covered Games. On or before

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1132 the one hundred and twentieth day after the end of the Tribe's  
1133 fiscal year, the Tribe will require its independent auditors to  
1134 provide an audit report to verify Net Win for Covered Games and  
1135 the related Payment of the annual Revenue Share to the SCA for  
1136 State review.

1137 (c) If the twelfth month of each Revenue Sharing Cycle does  
1138 not coincide with the Tribe's fiscal year, the Tribe will  
1139 require its independent auditors to deduct Net Win from Covered  
1140 Games for any of the months that are outside of the Revenue  
1141 Sharing Cycle and to include Net Win from Covered Games for  
1142 those months which fall outside of the Tribe's audit period but  
1143 fall within the Revenue Sharing Cycle, prior to issuing the  
1144 audit report.

1145 (d) No later than thirty (30) calendar days after the day  
1146 the audit report is issued, the Tribe will remit to the State  
1147 any underpayment of the annual Revenue Share, and the State at  
1148 its discretion will either reimburse to the Tribe any  
1149 overpayment of the annual Revenue Share or authorize the  
1150 overpayment to be deducted from the next monthly payment.

1151 C. Payments pursuant to Sections A. and B. above shall be  
1152 made to the State via electronic funds transfer in a manner  
1153 directed by the SCA for immediate transfer into the Educational  
1154 Enhancement Trust Fund of the Department of Education. Payments  
1155 will be due in accordance with the Payment Schedule set forth in  
1156 Section B. The appropriation of any Payments received by the  
1157 State pursuant to this Compact lies within the exclusive  
1158 prerogative of the Legislature.

1159 D. The Annual Oversight Assessment to reimburse the State  
1160 for the actual costs of the operation of the SCA to perform its

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1161 monitoring functions as defined in this Compact shall be  
1162 determined and paid in quarterly installments within thirty (30)  
1163 calendar days of receipt by the Tribe of an invoice from the  
1164 SCA. The Tribe reserves the right to audit the invoices on an  
1165 annual basis, a copy of which will be provided to the SCA, and  
1166 any discrepancies found therein shall be reconciled within  
1167 forty-five (45) calendar days of receipt of the audit by the  
1168 SCA. Out-of-pocket expenses to be incurred by the Governor or  
1169 his designee performing functions of the SCA unless and until  
1170 the SCA is designated by the Legislature shall be advanced by  
1171 the Tribe upon submission of properly documented requests.

1172 E. As provided for 25 U.S.C. s. 2710(b)(2)(B)(v), the Tribe  
1173 agrees to pay to the State an additional amount equal to three  
1174 percent (3 percent) of the annual amount set forth in Section B.  
1175 of this Part, which funds shall be used for the purposes of  
1176 offsetting the impacts of the Tribe's facilities on the  
1177 operations of local governments.

1178 F. Any moneys remitted by the Tribe before the effective  
1179 date of this Compact shall be deemed forfeited by the Tribe and  
1180 released to the State without further obligation or encumbrance.  
1181 Acceptance and appropriation of such funds does not legitimize,  
1182 validate, or otherwise ratify any previously proposed compact or  
1183 the operation of class III games by the Tribe for any period  
1184 prior to the effective date of this Compact.

1185 G. Except as expressly provided in this Part, nothing in  
1186 this Compact shall be deemed to require the Tribe to make  
1187 payments of any kind to the State or any of its agencies.

1188

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PART XII.

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1190           REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY  
1191 OR OTHER CHANGES IN FLORIDA LAW.—The intent of this Part is to  
1192 provide the Tribe with the right to operate Covered Games on an  
1193 exclusive basis as provided in this compact, subject to the  
1194 exceptions and provisions set forth below.

1195           A. If Class III gaming as defined in this Compact that is  
1196 not presently authorized by or under Florida law is authorized  
1197 for any location within the State of Florida that is under the  
1198 jurisdiction of the State and Tribal Net Win plus revenues from  
1199 its remaining Class II video bingo terminals (or their  
1200 equivalents) within its Facilities statewide drops below \$1.37  
1201 billion, the Payments due the State pursuant to Part XI.,  
1202 Sections A. and B. of this Compact shall be reduced based on the  
1203 proportion of net win below \$1.37 billion. The Payments due the  
1204 State pursuant to Part XI., Sections A. and B. of this Compact  
1205 shall resume in full if the Tribe's annual Net Win plus revenues  
1206 from its remaining Class II video bingo terminals (or their  
1207 equivalents) within its Facilities statewide again reaches or  
1208 exceeds \$1.37 billion.

1209           B. The following are exceptions to the exclusivity  
1210 provisions of Section A. above.

1211           1. Any Class III gaming authorized by a compact between the  
1212 State and any other federally recognized tribe pursuant to the  
1213 Indian Gaming Regulatory Act will not be a breach or other  
1214 violation of the exclusivity provisions set forth in Section A.  
1215 above.

1216           2. The conduct of illegal or otherwise unauthorized gaming  
1217 within the State shall not be considered a breach or other  
1218 violation of the exclusivity provisions set forth in Section A.

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1219 above.

1220 3. Any Class III slot machine gaming authorized after the  
1221 effective date of this compact for pari-mutuel facilities in  
1222 Miami-Dade County or Broward County will not be a breach or  
1223 violation of the exclusivity provisions set forth in Section A.  
1224 above.

1225 4. Any historic racing machines, electronic bingo machines,  
1226 and pari-mutuel wagering activities at licensed pari-mutuel  
1227 facilities authorized after the effective date of this compact  
1228 will not be a breach or violation of the exclusivity provisions  
1229 set forth in Section A. above.

1230 C. Revenue sharing by the Tribe may not be reduced or  
1231 eliminated by the existence of any gaming activities being  
1232 conducted in Florida at the time this compact is ratified which  
1233 are illegal or are of unsettled legal status.

1234 D. If the Florida Constitution is amended to repeal the  
1235 slot machine amendment in s. 23, Article X of the State  
1236 Constitution, the Legislature authorizes the Seminoles to  
1237 continue to offer the play of covered games under the terms of  
1238 the compact authorized pursuant to this section during the  
1239 remainder of the term of the compact.

1240 E. To the extent that the Tribe's ongoing Payment  
1241 obligations to the State pursuant to Part XI., Sections A. and  
1242 B. of this Compact are reduced, any outstanding Payments that  
1243 would have been due the State from the Tribe's Facilities prior  
1244 to the event authorizing the reduction shall be made within  
1245 thirty (30) business days after cessation.

1246 F. Any reduction of Payments authorized under this Compact  
1247 shall not excuse the Tribe from continuing to comply with all

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1248 other provisions of this Compact, including continuing to pay  
1249 the State the Annual Oversight Assessment as set forth in Part  
1250 XI., Section C. of this Compact. Furthermore, the State shall  
1251 continue to have the right to monitor the Tribe's compliance  
1252 with the Compact.

1253 G. In the event that revenue sharing payments to the State  
1254 made pursuant to Part XI., Sections A. and B. are reduced under  
1255 this Part, the annual amount payable to the State for the  
1256 impacts to local governments under Part XI., Section E. shall be  
1257 calculated as the amount paid for the last full revenue sharing  
1258 year. Such payments shall continue to be calculated in such  
1259 manner until the revenue sharing payments under Part XI.,  
1260 Sections A. and B. are restored.

1261 H. Nothing in this Compact is intended to affect the  
1262 ability of the State Legislature to enact laws either further  
1263 restricting or expanding gambling on non-tribal lands.

1264  
1265 PART XIII.

1266 DISPUTE RESOLUTION.—In the event that either party to this  
1267 Compact believes that the other party has failed to comply with  
1268 any requirements of this Compact, or in the event of any dispute  
1269 hereunder, including, but not limited to, a dispute over the  
1270 proper interpretation of the terms and conditions of this  
1271 Compact, the goal of the Parties is to resolve all disputes  
1272 amicably and voluntarily whenever possible. In pursuit of this  
1273 goal, the following procedures may be invoked:

1274 A. A party asserting noncompliance or seeking an  
1275 interpretation of this Compact first shall serve written notice  
1276 on the other party. The notice shall identify the specific

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1277 Compact provision alleged to have been violated or in dispute  
1278 and shall specify in detail the asserting party's contention and  
1279 any factual basis for the claim. Representatives of the Tribe  
1280 and State shall meet within thirty (30) calendar days of receipt  
1281 of notice in an effort to resolve the dispute, unless they  
1282 mutually agree to extend this period.

1283 B. A party asserting noncompliance or seeking an  
1284 interpretation of this Compact under this Part shall be deemed  
1285 to have certified that to the best of the party's knowledge,  
1286 information, and belief formed after reasonable inquiry, the  
1287 claim of noncompliance or the request for interpretation of this  
1288 Compact is warranted and made in good faith and not for any  
1289 improper purpose, such as to harass or to cause unnecessary  
1290 delay or the needless incurring of the cost of resolving the  
1291 dispute.

1292 C. If the parties are unable to resolve a dispute through  
1293 the process specified in Sections A. and B. of this Part, the  
1294 parties may agree to mediation under the Commercial Mediation  
1295 Procedures of the American Arbitration Association (AAA), or any  
1296 such successor procedures, provided that such mediation does not  
1297 last more than sixty (60) calendar days, unless an extension to  
1298 this time limit is mutually agreed to by the parties. The  
1299 disputes available for resolution through mediation are limited  
1300 to matters arising under the terms of this Compact.

1301 D. If the parties are unable to resolve a dispute through  
1302 the process specified in Sections A., B., and C. of this Part,  
1303 notwithstanding any other provision of law, the State may bring  
1304 an action against the Tribe in any court of competent  
1305 jurisdiction regarding any dispute arising under this Compact.

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1306 The State is entitled to all remedies available under law or in  
1307 equity.

1308 E. For purposes of actions based on disputes between the  
1309 State and the Tribe that arise under this Compact and the  
1310 enforcement of any judgment resulting therefore, the Tribe  
1311 expressly waives its right to assert sovereign immunity from  
1312 suit and from enforcement of any ensuing judgment, and further  
1313 consents to be sued in federal or state court, including the  
1314 rights of appeal, as the case may be, provided that (i) the  
1315 dispute is limited solely to issues arising under this Compact,  
1316 (ii) there is no claim for monetary damages (except that payment  
1317 of any money required by the terms of this Compact, as well as  
1318 injunctive relief or specific performance enforcing a provision  
1319 of this Compact requiring the payment of money to the State may  
1320 be sought), and (iii) nothing herein shall be construed to  
1321 constitute a waiver of the sovereign immunity of the Tribe with  
1322 respect to any third party that is made a party or intervenes as  
1323 a party to the action.

1324 F. The State may not be precluded from pursuing any  
1325 mediation or judicial remedy against the Tribe on the grounds  
1326 that the State has failed to exhaust its Tribal administrative  
1327 remedies.

1328 G. Notwithstanding anything to the contrary in this Part,  
1329 any failure of the Tribe to remit the Payments pursuant to the  
1330 terms of Part XI. will entitle the State to seek mandatory  
1331 injunctive relief in federal or state court, at the State's  
1332 election, to compel the Payments after exhausting the dispute  
1333 resolution process in Sections A. and B. of this Part.

1334 H. The State shall be entitled to seek immediate injunctive

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1335 relief in the event the Tribe offers or continues to offer Class  
1336 III games not authorized under this Compact.

1337 I. Notwithstanding any other provision of law to the  
1338 contrary, if the parties are unable to resolve a dispute through  
1339 the process specified in Sections A., B., and C., of this Part,  
1340 provided that the State does not exercise its option to file an  
1341 action against the Tribe under Section D., either party may  
1342 invoke presuit nonbinding arbitration to resolve any dispute  
1343 between the parties arising under the compact.

1344 (a) The party demanding the presuit nonbinding arbitration  
1345 shall immediately ask the American Arbitration Association to  
1346 furnish a list of 11 arbitrators, each of whom shall have at  
1347 least 5 years of commercial arbitration experience and no  
1348 financial interest in or prior relationship with any of the  
1349 parties or their affiliated or related entities or principals.

1350 (b) The state and the Tribe shall each select a single  
1351 arbitrator from the list provided by the American Arbitration  
1352 Association within 10 days after receipt, and the individuals so  
1353 selected shall choose one additional arbitrator from the list  
1354 within the next 10 days. The three arbitrators selected shall  
1355 constitute the panel that shall arbitrate the dispute between  
1356 the parties pursuant to the American Arbitration Association  
1357 Commercial Arbitration Rules and Chapter 682, Florida Statutes.

1358 (c) At the conclusion of the proceedings, which shall be no  
1359 later than 90 days after the demand for arbitration, the  
1360 arbitration panel shall present to the parties a proposed  
1361 agreement that the majority of the panel believes equitably  
1362 balances the rights, interests, obligations, and reasonable  
1363 expectations of the parties.

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1364           (d) The parties shall, within 10 days after the arbitration  
1365 panel's issuance of the proposed agreement, enter into such  
1366 agreement or notify the opposing party of its intent to reject  
1367 the agreement and proceed with a lawsuit to resolve the dispute.

1368           (e) Each party shall pay its respective costs of  
1369 arbitration and shall pay one-half of the costs of the  
1370 arbitration panel.

1371           (f) The arbitrator's decision may not be enforced in any  
1372 court.

1373           J. If the arbitrator finds that the state is not in  
1374 compliance with the Compact, the State shall have the  
1375 opportunity to challenge the decision of the arbitrators by  
1376 bringing an independent action against the Tribe in federal  
1377 district court ("federal court") regarding the dispute  
1378 underlying the arbitration in a district in which the federal  
1379 court has venue. If the federal court declines to exercise  
1380 jurisdiction, or federal precedent exists that rules that the  
1381 federal court would not have jurisdiction over such a dispute,  
1382 the State may bring the action in the Courts of the Seventeenth  
1383 Judicial Circuit in and for Broward County, Florida. The State  
1384 is entitled to all rights of appeal permitted by law in the  
1385 court system in which the action is brought. The State shall be  
1386 entitled to de novo review of the arbitrators' decision under  
1387 this Section. For the purpose of this Section, the Tribe agrees  
1388 to waive its immunity as provided in Section E. of this Part.

1389  
1390                           PART XIV.

1391                   CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

1392           A. If any provision of this Compact relating to the covered

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1393 games, revenue sharing payments, suspension or reduction of  
1394 payments, or exclusivity is held by a court of competent  
1395 jurisdiction to be invalid, this Compact will become null and  
1396 void. If any provision, part, section, or subsection of this  
1397 Compact is determined by a federal district court in Florida or  
1398 other court of competent jurisdiction to impose a mandatory duty  
1399 on the State of Florida that requires authorization by the  
1400 Florida Legislature, the duty conferred by that particular  
1401 provision, part, section, or subsection shall no longer be  
1402 mandatory but will be deemed to be a matter within the  
1403 discretion of the Governor or other State officers, subject to  
1404 such legislative approval as may be required by Florida law.

1405 B. It is understood that Part XII. of this Compact, which  
1406 provides for a reduction of the Payments to the State under Part  
1407 XI., does not create any duty on the State of Florida but only a  
1408 remedy for the Tribe if Class III gambling under state  
1409 jurisdiction is expanded by operation of law and Tribal net win  
1410 falls below \$1.37 billion.

1411 C. This Compact is intended to meet the requirements of the  
1412 Indian Gaming Regulatory Act as it reads on the Effective Date  
1413 of this Compact, and where reference is made to the Indian  
1414 Gaming Regulatory Act, or to an implementing regulation thereof,  
1415 the reference is deemed to have been incorporated into this  
1416 document as if set in full. Subsequent changes to the Indian  
1417 Gaming Regulatory Act that diminish the rights of the State or  
1418 Tribe may not be applied retroactively to alter the terms of  
1419 this Compact, except to the extent that federal law validly  
1420 mandates that retroactive application without the respective  
1421 consent of the State or Tribe. In the event that a subsequent

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1422 change to the Indian Gaming Regulatory Act, or to an  
1423 implementing regulation thereof, mandates the retroactive  
1424 application without the respective consent of the state or  
1425 Tribe, the parties agree that this Compact is void if the  
1426 subsequent change materially alters the minimum terms and  
1427 standards in the compact relating to the covered games, revenue  
1428 sharing payments, suspension or reduction of payments, or  
1429 exclusivity.

1430 D. Neither the presence in another tribal-state compact of  
1431 language that is not included in this Compact, nor the absence  
1432 in this Compact of language that is present in another tribal-  
1433 state compact shall be a factor in construing the terms of this  
1434 Compact.

1435 E. Upon Legislative ratification, the parties shall  
1436 cooperate and use their best efforts in seeking approval of this  
1437 Compact from the Secretary of the Interior and the parties  
1438 further agree that, upon ratification by the Legislature, the  
1439 Tribe shall submit the Compact to the Secretary forthwith.

1440  
1441 PART XV.

1442 NOTICES.—All notices required under this Compact shall be  
1443 given by (i) certified mail, return receipt requested, (ii)  
1444 commercial overnight courier service, or (iii) personal  
1445 delivery, to the following persons:

1446 A. The Governor.

1447 B. The General Counsel to the Governor.

1448 C. The Chair of the Seminole Tribe of Florida.

1449 D. The General Counsel to the Seminole Tribe of Florida.

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1451 PART XVI.

1452 EFFECTIVE DATE AND TERM.—

1453 A. This Compact shall become effective upon ratification by  
1454 the Legislature and subsequent approval of the Compact by the  
1455 Secretary of the Interior as a tribal-state compact within the  
1456 meaning of the Indian Gaming Regulatory Act either by  
1457 publication of the notice of approval in the Federal Register or  
1458 by operation of law under 25 U.S.C. s. 2710(d) (7) (C).

1459 B. This Compact shall have a term of fifteen (15) years,  
1460 beginning on the first day of the month following the month in  
1461 which the Compact becomes effective under Section A. of this  
1462 Part. This Compact shall remain in full force and effect until  
1463 the sooner of expiration of its terms or until terminated by  
1464 mutual agreement of the parties.

1465  
1466 PART XVII.

1467 AMENDMENT OF COMPACT AND REFERENCES.—

1468 A. Amendment of this Compact may only be made by written  
1469 agreement of the parties, subject to approval by the Secretary  
1470 either by publication of the notice of approval in the Federal  
1471 Register or by operation of law under 25 U.S.C. s.  
1472 2710(d) (7) (C).

1473 B. Legislative ratification is required for any amendment  
1474 to the Compact that is not consistent with the terms and  
1475 standards set forth in ss. 285.710 and 285.711, Florida  
1476 Statutes, or that alters the provisions relating to the covered  
1477 games, the amount of revenue sharing payments, suspension or  
1478 reduction in payments, or exclusivity.

1479 C. Changes in the provisions of tribal ordinances,

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1480 regulations, and procedures referenced in this Compact may be  
1481 made by the Tribe with thirty (30) calendar days advance notice  
1482 to the State. If the State has an objection to any change to the  
1483 tribal ordinance, regulation, or procedure which is the subject  
1484 of the notice on the ground that its adoption would be a  
1485 violation of the Tribe's obligations under this Compact, the  
1486 State may invoke the dispute resolution provisions provided in  
1487 Part XIII. of this Compact.

1488

1489 PART XVIII.

1490 MISCELLANEOUS.—

1491 A. Except to the extent expressly provided in this Compact,  
1492 this Compact is not intended to, and shall not be construed to,  
1493 create any right on the part of a third party to bring an action  
1494 to enforce any of its terms.

1495 B. If, after the Effective Date of this Compact, the State  
1496 enters into a compact with any other Tribe that contains more  
1497 favorable terms with respect to any of the provisions of this  
1498 Compact and the U.S. Secretary of the Interior approves such  
1499 compact, either by publication of the notice of approval in the  
1500 Federal Register or by operation of law under 25 U.S.C. s.  
1501 2710(d)(7)(C), upon tribal notice to the State and the  
1502 Secretary, this Compact shall be deemed amended to contain the  
1503 more favorable terms, unless the State objects to the change and  
1504 can demonstrate, in a proceeding commenced under Part XIII.,  
1505 that the terms in question are not more favorable.

1506 C. Upon the occurrence of certain events beyond the Tribe's  
1507 control, including acts of God, war, terrorism, fires, floods,  
1508 or accidents causing damage to or destruction of one or more of

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1509 its Facilities or property necessary to operate the  
1510 Facility(ies), (i) the Tribe's obligation to pay the Guaranteed  
1511 Minimum Payment described in Part XI. shall be reduced pro rata  
1512 to reflect the percentage of the total Net Win lost to the Tribe  
1513 from the impacted Facility(ies) and (ii) the Net Win specified  
1514 under Part XI., Section B., for purposes of determining whether  
1515 the Tribe's payments described in Part XI. shall be reduced pro  
1516 rata to reflect the percentage of the total Net Win lost to the  
1517 Tribe from the impacted Facility(ies). The foregoing shall not  
1518 excuse any obligations of the Tribe to make Payments to the  
1519 State as and when required hereunder or in any related document  
1520 or agreement.

1521 D. The Tribe and the State recognize that opportunities to  
1522 engage in gaming in smoke-free or reduced-smoke environments  
1523 provides both health and other benefits to Patrons, and the  
1524 Tribe has already instituted a non-smoking section at its  
1525 Seminole Hard Rock Hotel & Casino - Hollywood Facility. As part  
1526 of its continuing commitment to this issue, the Tribe will:

1527 1. Install and utilize a ventilation system at all new  
1528 construction at its Facilities, which system exhausts tobacco  
1529 smoke to the extent reasonably feasible under existing state-of-  
1530 the-art technology;

1531 2. Designate a smoke-free area for slot machines at all new  
1532 construction at its Facilities; and

1533 3. Install non-smoking, vented tables for table games in  
1534 its Facilities sufficient to respond to demand for such tables.

1535 E. The annual average minimum pay-out of all slot machines  
1536 in each Facility shall not be less than eighty-five percent (85  
1537 percent).

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1538 F. Nothing in this Compact shall alter any of the existing  
1539 memoranda of understanding, contracts, or other agreements  
1540 entered into between the Tribe and any other federal, state, or  
1541 local governmental entity.

1542 G. The Tribe currently has as set forth in its Employee  
1543 Fair Treatment and Dispute Resolution Policy, and agrees to  
1544 maintain, standards that are comparable to the standards  
1545 provided in federal laws and State laws forbidding employers  
1546 from discrimination in connection with the employment of persons  
1547 working at the Facilities on the basis of race, color, religion,  
1548 national origin, gender, age, disability/handicap, or marital  
1549 status. Nothing herein shall preclude the Tribe from giving  
1550 preference in employment, promotion, seniority, lay-offs, or  
1551 retention to members of the Tribe and other federally recognized  
1552 tribes. The Tribe will comply with all federal and state labor  
1553 laws, where applicable. The Tribe shall provide a process for  
1554 employee disputes which permits the employee to be represented  
1555 by an attorney or other legally authorized representative. The  
1556 process shall permit the employee to use language interpreters,  
1557 including interpreters for the deaf or hard of hearing.

1558 H. The Tribe agrees to use its best efforts to spend its  
1559 revenue in this state to acquire goods and services from  
1560 Florida-based vendors, professionals, and material and service  
1561 providers.

1562 Section 3. Subsection (3) of section 1013.737, Florida  
1563 Statutes, is amended to read:

1564 1013.737 The Class Size Reduction Lottery Revenue Bond  
1565 Program.—There is established the Class Size Reduction Lottery  
1566 Revenue Bond Program.

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1567           (3) The state hereby covenants with the holders of such  
1568 revenue bonds that it will not take any action that will  
1569 materially and adversely affect the rights of such holders so  
1570 long as bonds authorized by this section are outstanding. The  
1571 state does hereby additionally authorize the establishment of a  
1572 covenant in connection with the bonds which provides that any  
1573 additional funds received by the state from new or enhanced  
1574 lottery programs;; video gaming; banking card games, including  
1575 baccarat, chemin de fer, or blackjack; electronic or  
1576 electromechanical facsimiles of any game of chance; casino  
1577 games; slot machines; or other similar activities will first be  
1578 available for payments relating to bonds pledging revenues  
1579 available pursuant to s. 24.121(2), prior to use for any other  
1580 purpose.

1581           Section 4. Subsections (11) and (38) of section 550.002,  
1582 Florida Statutes, are amended to read:

1583           550.002 Definitions.—As used in this chapter, the term:

1584           (11) "Full schedule of live racing or games" means, for a  
1585 greyhound or jai alai permitholder, the conduct of a combination  
1586 of at least 100 live evening or matinee performances during the  
1587 preceding year; for a permitholder who has a converted permit or  
1588 filed an application on or before June 1, 1990, for a converted  
1589 permit, the conduct of a combination of at least 100 live  
1590 evening and matinee wagering performances during either of the 2  
1591 preceding years; for a jai alai permitholder who does not  
1592 operate slot machines in its pari-mutuel facility, who has  
1593 conducted at least 100 live performances per year for at least  
1594 10 years after December 31, 1992, and whose handle on live jai  
1595 alai games conducted at its pari-mutuel facility has been less

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1596 than \$4 million per state fiscal year for at least 2 consecutive  
1597 years after June 30, 1992, the conduct of a combination of at  
1598 least 40 live evening or matinee performances during the  
1599 preceding year; for a jai alai permitholder who operates slot  
1600 machines in its pari-mutuel facility, the conduct of a  
1601 combination of at least 150 performances during the preceding  
1602 year; for a harness permitholder, the conduct of at least 100  
1603 live regular wagering performances during the preceding year;  
1604 for a quarter horse permitholder at its facility unless an  
1605 alternative schedule of at least 20 live regular wagering  
1606 performances is agreed upon by the permitholder and either the  
1607 Florida Quarter Horse Racing Association or the horsemen's  
1608 association representing the majority of the quarter horse  
1609 owners and trainers at the facility and filed with the division  
1610 along with its annual date application, in the 2010-2011 fiscal  
1611 year, the conduct of at least 20 regular wagering performances,  
1612 in the 2011-2012 and 2012-2013 fiscal years, the conduct of at  
1613 least 30 live regular wagering performances, and for every  
1614 fiscal year after the 2012-2013 fiscal year, the conduct of at  
1615 least 40 live regular wagering performances ~~during the preceding~~  
1616 year; for a quarter horse permitholder leasing another licensed  
1617 racetrack, the conduct of 160 events at the leased facility; and  
1618 for a thoroughbred permitholder, the conduct of at least 40 live  
1619 regular wagering performances during the preceding year. For a  
1620 permitholder which is restricted by statute to certain operating  
1621 periods within the year when other members of its same class of  
1622 permit are authorized to operate throughout the year, the  
1623 specified number of live performances which constitute a full  
1624 schedule of live racing or games shall be adjusted pro rata in

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1625 accordance with the relationship between its authorized  
1626 operating period and the full calendar year and the resulting  
1627 specified number of live performances shall constitute the full  
1628 schedule of live games for such permitholder and all other  
1629 permitholders of the same class within 100 air miles of such  
1630 permitholder. A live performance must consist of no fewer than  
1631 eight races or games conducted live for each of a minimum of  
1632 three performances each week at the permitholder's licensed  
1633 facility under a single admission charge.

1634 (38) "Year," for purposes of determining a full schedule of  
1635 live racing, means the state fiscal ~~calendar~~ year.

1636 Section 5. Subsection (3) of section 550.01215, Florida  
1637 Statutes, is amended to read:

1638 550.01215 License application; periods of operation; bond,  
1639 conversion of permit.—

1640 (3) ~~Except as provided in s. 550.5251 for thoroughbred~~  
1641 ~~racing,~~ The division shall issue each license no later than  
1642 March 15. Each permitholder shall operate all performances at  
1643 the date and time specified on its license. The division shall  
1644 have the authority to approve minor changes in racing dates  
1645 after a license has been issued. The division may approve  
1646 changes in racing dates after a license has been issued when  
1647 there is no objection from any operating permitholder located  
1648 within 50 miles of the permitholder requesting the changes in  
1649 operating dates. In the event of an objection, the division  
1650 shall approve or disapprove the change in operating dates based  
1651 upon the impact on operating permitholders located within 50  
1652 miles of the permitholder requesting the change in operating  
1653 dates. In making the determination to change racing dates, the

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1654 division shall take into consideration the impact of such  
1655 changes on state revenues.

1656 Section 6. Subsection (14) is added to section 550.054,  
1657 Florida Statutes, to read:

1658 550.054 Application for permit to conduct pari-mutuel  
1659 wagering.—

1660 (14) (a) Any holder of a permit to conduct jai alai may  
1661 apply to the division to convert such permit to a permit to  
1662 conduct greyhound racing in lieu of jai alai if:

1663 1. Such permit is located in a county in which the division  
1664 has issued only two pari-mutuel permits pursuant to this  
1665 section;

1666 2. Such permit was not previously converted from any other  
1667 class of permit; and

1668 3. The holder of the permit has not conducted jai alai  
1669 games during a period of 10 years immediately preceding his or  
1670 her application for conversion under this subsection.

1671 (b) The division, upon application from the holder of a jai  
1672 alai permit meeting all conditions of this section, shall  
1673 convert the permit and shall issue to the permitholder a permit  
1674 to conduct greyhound racing. A permitholder of a permit  
1675 converted under this section shall be required to apply for and  
1676 conduct a full schedule of live racing each fiscal year to be  
1677 eligible for any tax credit provided by this chapter. The holder  
1678 of a permit converted pursuant to this subsection or any holder  
1679 of a permit to conduct greyhound racing located in a county in  
1680 which it is the only permit issued pursuant to this section who  
1681 operates at a leased facility pursuant to s. 550.475 may move  
1682 the location for which the permit has been issued to another

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1683 location within a 30-mile radius of the location fixed in the  
1684 permit issued in that county, provided the move does not cross  
1685 the county boundary and such location is approved under the  
1686 zoning regulations of the county or municipality in which the  
1687 permit is located, and upon such relocation may use the permit  
1688 for the conduct of pari-mutuel wagering and the operation of a  
1689 cardroom. The provisions of s. 550.6305(9) (d) and (f) shall  
1690 apply to any permit converted under this subsection and shall  
1691 continue to apply to any permit which was previously included  
1692 under and subject to such provisions before a conversion  
1693 pursuant to this section occurred.

1694 Section 7. Paragraph (b) of subsection (1) and subsection  
1695 (5) of section 550.0951, Florida Statutes, are amended, and  
1696 subsection (6) of that section is reenacted, to read:

1697 550.0951 Payment of daily license fee and taxes;  
1698 penalties.—

1699 (1)

1700 (b) Each permitholder that cannot utilize the full amount  
1701 of the exemption of \$360,000 or \$500,000 provided in s.  
1702 550.09514(1) or the daily license fee credit provided in this  
1703 section may, after notifying the division in writing, elect once  
1704 per state fiscal year on a form provided by the division to  
1705 transfer such exemption or credit or any portion thereof to any  
1706 greyhound permitholder which acts as a host track to such  
1707 permitholder for the purpose of intertrack wagering. Once an  
1708 election to transfer such exemption or credit is filed with the  
1709 division, it shall not be rescinded. The division shall  
1710 disapprove the transfer when the amount of the exemption or  
1711 credit or portion thereof is unavailable to the transferring

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1712 permitholder or when the permitholder who is entitled to  
1713 transfer the exemption or credit or who is entitled to receive  
1714 the exemption or credit owes taxes to the state pursuant to a  
1715 deficiency letter or administrative complaint issued by the  
1716 division. Upon approval of the transfer by the division, the  
1717 transferred tax exemption or credit shall be effective for the  
1718 first performance of the next payment ~~biweekly pay~~ period as  
1719 specified in subsection (5). The exemption or credit transferred  
1720 to such host track may be applied by such host track against any  
1721 taxes imposed by this chapter or daily license fees imposed by  
1722 this chapter. The greyhound permitholder host track to which  
1723 such exemption or credit is transferred shall reimburse such  
1724 permitholder the exact monetary value of such transferred  
1725 exemption or credit as actually applied against the taxes and  
1726 daily license fees of the host track. The division shall ensure  
1727 that all transfers of exemption or credit are made in accordance  
1728 with this subsection and shall have the authority to adopt rules  
1729 to ensure the implementation of this section.

1730 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments  
1731 ~~Payment for the admission tax, tax on handle, and the breaks tax~~  
1732 imposed by this section shall be paid to the division. The  
1733 division shall deposit these sums with the Chief Financial  
1734 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,  
1735 hereby established. The permitholder shall remit to the division  
1736 payment for the daily license fee, the admission tax, the tax on  
1737 handle, and the breaks tax. Such payments shall be remitted by 3  
1738 p.m. Wednesday of each week for taxes imposed and collected for  
1739 the preceding week ending on Sunday. Beginning on July 1, 2012,  
1740 such payments shall be remitted by 3 p.m. on the 5th day of each

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1741 calendar month for taxes imposed and collected for the preceding  
1742 calendar month. If the 5th day of the calendar month falls on a  
1743 weekend, payments shall be remitted by 3 p.m. the first Monday  
1744 following the weekend. Permitholders shall file a report under  
1745 oath by the 5th day of each calendar month for all taxes  
1746 remitted during the preceding calendar month. Such payments  
1747 shall be accompanied by a report under oath showing the total of  
1748 all admissions, the pari-mutuel wagering activities for the  
1749 preceding calendar month, and such other information as may be  
1750 prescribed by the division.

1751 (6) PENALTIES.—

1752 (a) The failure of any permitholder to make payments as  
1753 prescribed in subsection (5) is a violation of this section, and  
1754 the permitholder may be subjected by the division to a civil  
1755 penalty of up to \$1,000 for each day the tax payment is not  
1756 remitted. All penalties imposed and collected shall be deposited  
1757 in the General Revenue Fund. If a permitholder fails to pay  
1758 penalties imposed by order of the division under this  
1759 subsection, the division may suspend or revoke the license of  
1760 the permitholder, cancel the permit of the permitholder, or deny  
1761 issuance of any further license or permit to the permitholder.

1762 (b) In addition to the civil penalty prescribed in  
1763 paragraph (a), any willful or wanton failure by any permitholder  
1764 to make payments of the daily license fee, admission tax, tax on  
1765 handle, or breaks tax constitutes sufficient grounds for the  
1766 division to suspend or revoke the license of the permitholder,  
1767 to cancel the permit of the permitholder, or to deny issuance of  
1768 any further license or permit to the permitholder.

1769 Section 8. Paragraph (e) of subsection (2) and paragraph

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1770 (b) of subsection (3) of section 550.09511, Florida Statutes,  
1771 are amended to read:

1772 550.09511 Jai alai taxes; abandoned interest in a permit  
1773 for nonpayment of taxes.—

1774 (2) Notwithstanding the provisions of s. 550.0951(3)(b),  
1775 wagering on live jai alai performances shall be subject to the  
1776 following taxes:

1777 (e) The payment of taxes pursuant to paragraphs (b), (c),  
1778 and (d) shall be calculated and commence beginning the day ~~after~~  
1779 ~~the biweekly period~~ in which the permitholder is first entitled  
1780 to the reduced rate specified in this section and the report of  
1781 taxes required by s. 550.0951(5) is submitted to the division.

1782 (3)

1783 (b) The payment of taxes pursuant to paragraph (a) shall be  
1784 calculated and commence beginning the day ~~after the biweekly~~  
1785 ~~period~~ in which the permitholder is first entitled to the  
1786 reduced rate specified in this subsection.

1787 Section 9. Subsection (1) of section 550.09514, Florida  
1788 Statutes, is amended to read:

1789 550.09514 Greyhound dogracing taxes; purse requirements.—

1790 (1) Wagering on greyhound racing is subject to a tax on  
1791 handle for live greyhound racing as specified in s. 550.0951(3).  
1792 However, each permitholder shall pay no tax on handle until such  
1793 time as this subsection has resulted in a tax savings per state  
1794 fiscal year of \$360,000. Thereafter, each permitholder shall pay  
1795 the tax as specified in s. 550.0951(3) on all handle for the  
1796 remainder of the permitholder's current race meet, ~~and the tax~~  
1797 ~~must be calculated and commence beginning the day after the~~  
1798 ~~biweekly period in which the permitholder reaches the maximum~~

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1799 ~~tax savings per state fiscal year provided in this section.~~ For  
1800 the three permitholders that conducted a full schedule of live  
1801 racing in 1995, and are closest to another state that authorizes  
1802 greyhound pari-mutuel wagering, the maximum tax savings per  
1803 state fiscal year shall be \$500,000. The provisions of this  
1804 subsection relating to tax exemptions shall not apply to any  
1805 charity or scholarship performances conducted pursuant to s.  
1806 550.0351.

1807 Section 10. Subsections (1), (2), (5), (6), and (10) of  
1808 section 550.105, Florida Statutes, are amended to read:

1809 550.105 Occupational licenses of racetrack employees; fees;  
1810 denial, suspension, and revocation of license; penalties and  
1811 fines.—

1812 (1) Each person connected with a racetrack or jai alai  
1813 fronton, as specified in paragraph (2)(a), shall purchase from  
1814 the division an ~~annual~~ occupational license, ~~which license is~~  
1815 ~~valid from May 1 until June 30 of the following year.~~ All moneys  
1816 collected pursuant to this section each fiscal year shall be  
1817 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~  
1818 ~~may, at her or his option and~~ Pursuant to the rules adopted by  
1819 the division, ~~purchase~~ an occupational license may be valid for  
1820 a period of up to 3 years for a fee that does not exceed ~~if the~~  
1821 ~~purchaser of the license pays~~ the full occupational license fee  
1822 for each of the years for which the license is purchased ~~at the~~  
1823 ~~time the 3-year license is requested.~~ The occupational license  
1824 shall be valid during its specified term at any pari-mutuel  
1825 facility.

1826 (2)(a) The following licenses shall be issued to persons or  
1827 entities with access to the backside, racing animals, jai alai

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1828 players' room, jockeys' room, drivers' room, totalisator room,  
1829 the mutuels, or money room, or to persons who, by virtue of the  
1830 position they hold, might be granted access to these areas or to  
1831 any other person or entity in one of the following categories  
1832 and with ~~scheduled annual~~ fees not to exceed the following  
1833 amounts for any 12-month period as follows:

1834 1. Business licenses: any business such as a vendor,  
1835 contractual concessionaire, contract kennel, business owning  
1836 racing animals, trust or estate, totalisator company, stable  
1837 name, or other fictitious name: \$50.

1838 2. Professional occupational licenses: professional persons  
1839 with access to the backside of a racetrack or players' quarters  
1840 in jai alai such as trainers, officials, veterinarians, doctors,  
1841 nurses, EMT's, jockeys and apprentices, drivers, jai alai  
1842 players, owners, trustees, or any management or officer or  
1843 director or shareholder or any other professional-level person  
1844 who might have access to the jockeys' room, the drivers' room,  
1845 the backside, racing animals, kennel compound, or managers or  
1846 supervisors requiring access to mutuels machines, the money  
1847 room, or totalisator equipment: \$40.

1848 3. General occupational licenses: general employees with  
1849 access to the jockeys' room, the drivers' room, racing animals,  
1850 the backside of a racetrack or players' quarters in jai alai,  
1851 such as grooms, kennel helpers, leadouts, pelota makers, cesta  
1852 makers, or ball boys, or a practitioner of any other occupation  
1853 who would have access to the animals, the backside, or the  
1854 kennel compound, or who would provide the security or  
1855 maintenance of these areas, or mutuel employees, totalisator  
1856 employees, money-room employees, or any employee with access to

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1857 mutuels machines, the money room, or totalisator equipment or  
1858 who would provide the security or maintenance of these areas:  
1859 \$10.

1860  
1861 The individuals and entities that are licensed under this  
1862 paragraph require heightened state scrutiny, including the  
1863 submission by the individual licensees or persons associated  
1864 with the entities described in this chapter of fingerprints for  
1865 a Federal Bureau of Investigation criminal records check.

1866 (b) The division shall adopt rules pertaining to pari-  
1867 mutuel occupational licenses, licensing periods, and renewal  
1868 cycles.

1869 (5) (a) The division may:

1870 1. Deny a license to or revoke, suspend, or place  
1871 conditions upon or restrictions on a license of any person who  
1872 has been refused a license by any other state racing commission  
1873 or racing authority;

1874 2. Deny, suspend, or place conditions on a license of any  
1875 person who is under suspension or has unpaid fines in another  
1876 jurisdiction; if the state racing commission or racing authority  
1877 of such other state or jurisdiction extends to the division  
1878 reciprocal courtesy to maintain the disciplinary control.

1879 (b) The division may deny, suspend, revoke, or declare  
1880 ineligible any occupational license if the applicant for or  
1881 holder thereof has violated the provisions of this chapter or  
1882 the rules of the division governing the conduct of persons  
1883 connected with racetracks and frontons. In addition, the  
1884 division may deny, suspend, revoke, or declare ineligible any  
1885 occupational license if the applicant for such license has been

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1886 convicted in this state, in any other state, or under the laws  
1887 of the United States of a capital felony, a felony, or an  
1888 offense in any other state which would be a felony under the  
1889 laws of this state involving arson; trafficking in, conspiracy  
1890 to traffic in, smuggling, importing, conspiracy to smuggle or  
1891 import, or delivery, sale, or distribution of a controlled  
1892 substance; or a crime involving a lack of good moral character,  
1893 or has had a pari-mutuel license revoked by this state or any  
1894 other jurisdiction for an offense related to pari-mutuel  
1895 wagering.

1896 (c) The division may deny, declare ineligible, or revoke  
1897 any occupational license if the applicant for such license has  
1898 been convicted of a felony or misdemeanor in this state, in any  
1899 other state, or under the laws of the United States, if such  
1900 felony or misdemeanor is related to gambling or bookmaking, as  
1901 contemplated in s. 849.25, or involves cruelty to animals. If  
1902 the applicant establishes that she or he is of good moral  
1903 character, that she or he has been rehabilitated, and that the  
1904 crime she or he was convicted of is not related to pari-mutuel  
1905 wagering and is not a capital offense, the restrictions  
1906 excluding offenders may be waived by the director of the  
1907 division.

1908 (d) For purposes of this subsection, the term "convicted"  
1909 means having been found guilty, with or without adjudication of  
1910 guilt, as a result of a jury verdict, nonjury trial, or entry of  
1911 a plea of guilty or nolo contendere. However, the term  
1912 "conviction" shall not be applied to a crime committed prior to  
1913 the effective date of this subsection in a manner that would  
1914 invalidate any occupational license issued prior to the

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1915 effective date of this subsection or subsequent renewal for any  
1916 person holding such a license.

1917 (e)~~(d)~~ If an occupational license will expire by division  
1918 rule during the period of a suspension the division intends to  
1919 impose, or if a license would have expired but for pending  
1920 administrative charges and the occupational licensee is found to  
1921 be in violation of any of the charges, the license may be  
1922 revoked and a time period of license ineligibility may be  
1923 declared. The division may bring administrative charges against  
1924 any person not holding a current license for violations of  
1925 statutes or rules which occurred while such person held an  
1926 occupational license, and the division may declare such person  
1927 ineligible to hold a license for a period of time. The division  
1928 may impose a civil fine of up to \$1,000 for each violation of  
1929 the rules of the division in addition to or in lieu of any other  
1930 penalty provided for in this section. In addition to any other  
1931 penalty provided by law, the division may exclude from all pari-  
1932 mutuel facilities in this state, for a period not to exceed the  
1933 period of suspension, revocation, or ineligibility, any person  
1934 whose occupational license application has been denied by the  
1935 division, who has been declared ineligible to hold an  
1936 occupational license, or whose occupational license has been  
1937 suspended or revoked by the division.

1938 (f)~~(e)~~ The division may cancel any occupational license  
1939 that has been voluntarily relinquished by the licensee.

1940 (6) In order to promote the orderly presentation of pari-  
1941 mutuel meets authorized in this chapter, the division may issue  
1942 a temporary occupational license. The division shall adopt rules  
1943 to implement this subsection. However, no temporary occupational

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1944 license shall be valid for more than 90 ~~30~~ days, and no more  
1945 than one temporary license may be issued for any person in any  
1946 year.

1947       (10) (a) Upon application for an occupational license, the  
1948 division may require the applicant's full legal name; any  
1949 nickname, alias, or maiden name for the applicant; name of the  
1950 applicant's spouse; the applicant's date of birth, residence  
1951 address, mailing address, residence address and business phone  
1952 number, and social security number; disclosure of any felony or  
1953 any conviction involving bookmaking, illegal gambling, or  
1954 cruelty to animals; disclosure of any past or present  
1955 enforcement or actions by any racing or gaming agency against  
1956 the applicant; and any information the division determines is  
1957 necessary to establish the identity of the applicant or to  
1958 establish that the applicant is of good moral character.  
1959 Fingerprints shall be taken in a manner approved by the division  
1960 and then shall be submitted to the Federal Bureau of  
1961 Investigation, or to the association of state officials  
1962 regulating pari-mutuel wagering pursuant to the Federal Pari-  
1963 mutuel Licensing Simplification Act of 1988. The cost of  
1964 processing fingerprints shall be borne by the applicant and paid  
1965 to the association of state officials regulating pari-mutuel  
1966 wagering from the trust fund to which the processing fees are  
1967 deposited. ~~The division shall require each applicant for an~~  
1968 ~~occupational license to have the applicant's signature witnessed~~  
1969 ~~and notarized or signed in the presence of a division official.~~  
1970 The division, by rule, may require additional information from  
1971 licensees which is reasonably necessary to regulate the  
1972 industry. The division may, by rule, exempt certain occupations

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1973 or groups of persons from the fingerprinting requirements.

1974 (b) All fingerprints required by this section that are  
1975 submitted to the Department of Law Enforcement shall be retained  
1976 by the Department of Law Enforcement and entered into the  
1977 statewide automated fingerprint identification system as  
1978 authorized by s. 943.05(2) (b) and shall be available for all  
1979 purposes and uses authorized for arrest fingerprint cards  
1980 entered into the statewide automated fingerprint identification  
1981 system pursuant to s. 943.051.

1982 (c) The Department of Law Enforcement shall search all  
1983 arrest fingerprints received pursuant to s. 943.051 against the  
1984 fingerprints retained in the statewide automated fingerprint  
1985 identification system under paragraph (b). Any arrest record  
1986 that is identified with the retained fingerprints of a person  
1987 subject to the criminal history screening requirements of this  
1988 section shall be reported to the division. Each licensee shall  
1989 pay a fee to the division for the cost of retention of the  
1990 fingerprints and the ongoing searches under this paragraph. The  
1991 division shall forward the payment to the Department of Law  
1992 Enforcement. The amount of the fee to be imposed for performing  
1993 these searches and the procedures for the retention of licensee  
1994 fingerprints shall be as established by rule of the Department  
1995 of Law Enforcement. The division shall inform the Department of  
1996 Law Enforcement of any change in the license status of licensees  
1997 whose fingerprints are retained under paragraph (b).

1998 (d) The division shall request the Department of Law  
1999 Enforcement to forward the fingerprints to the Federal Bureau of  
2000 Investigation for a national criminal history records check at  
2001 least once every 5 years following issuance of a license. If the

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2002 fingerprints of a person who is licensed have not been retained  
2003 by the Department of Law Enforcement, the person must file a  
2004 complete set of fingerprints as provided in paragraph (a). The  
2005 division shall collect the fees for the cost of the national  
2006 criminal history record check under this paragraph and forward  
2007 the payment to the Department of Law Enforcement. The cost of  
2008 processing fingerprints and conducting a criminal history record  
2009 check under this paragraph for a general occupational license  
2010 shall be borne by the applicant. The cost of processing  
2011 fingerprints and conducting a criminal history record check  
2012 under this paragraph for a business or professional occupational  
2013 license shall be borne by the person being checked. The  
2014 Department of Law Enforcement may invoice the division for the  
2015 fingerprints submitted each month. Under penalty of perjury,  
2016 each person who is licensed or who is fingerprinted as required  
2017 by this section must agree to inform the division within 48  
2018 hours if he or she is convicted of or has entered a plea of  
2019 guilty or nolo contendere to any disqualifying offense,  
2020 regardless of adjudication.

2021 Section 11. Subsection (6) of section 550.2415, Florida  
2022 Statutes, is amended to read:

2023 550.2415 Racing of animals under certain conditions  
2024 prohibited; penalties; exceptions.—

2025 (6) (a) It is the intent of the Legislature that animals  
2026 that participate in races in this state on which pari-mutuel  
2027 wagering is conducted and animals that are bred and trained in  
2028 this state for racing be treated humanely, both on and off  
2029 racetracks, throughout the lives of the animals.

2030 (b) The division shall, by rule, establish the procedures

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2031 for euthanizing greyhounds. However, a greyhound may not be put  
2032 to death by any means other than by lethal injection of the drug  
2033 sodium pentobarbital. A greyhound may not be removed from this  
2034 state for the purpose of being destroyed.

2035 (c) It is a violation of this chapter for an occupational  
2036 licensee to train a greyhound using live or dead animals. A  
2037 greyhound may not be taken from this state for the purpose of  
2038 being trained through the use of live or dead animals.

2039 (d) Any act committed by any licensee that would constitute  
2040 A conviction of cruelty to animals as defined in s. 828.02  
2041 pursuant to s. 828.12 involving any a racing animal constitutes  
2042 a violation of this chapter. Imposition of any penalty by the  
2043 division for violation of this chapter or any rule adopted by  
2044 the division pursuant to this chapter shall not prohibit a  
2045 criminal prosecution for cruelty to animals.

2046 (e) The division may inspect any area at a pari-mutuel  
2047 facility where racing animals are raced, trained, housed, or  
2048 maintained, including any areas where food, medications, or  
2049 other supplies are kept, to ensure the humane treatment of  
2050 racing animals and compliance with this chapter and the rules of  
2051 the division.

2052 Section 12. Subsection (5) is added to section 550.26165,  
2053 Florida Statutes, to read:

2054 550.26165 Breeders' awards.—

2055 (5) (a) The awards programs in this chapter, which are  
2056 intended to encourage thoroughbred breeding and training  
2057 operations to locate in this state, must be responsive to  
2058 rapidly changing incentive programs in other states. To attract  
2059 such operations, it is appropriate to provide greater

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2060 flexibility to thoroughbred industry participants in this state  
2061 so that they may design competitive awards programs.

2062 (b) Notwithstanding any other provision of law to the  
2063 contrary, the Florida Thoroughbred Breeders' Association, as  
2064 part of its annual plan, may:

2065 1. Pay breeders' awards on horses finishing in first,  
2066 second, or third place in thoroughbred horse races; pay  
2067 breeders' awards that are greater than 20 percent and less than  
2068 15 percent of the announced gross purse; and vary the rates for  
2069 breeders' awards, based upon the place of finish, class of race,  
2070 state or country in which the race took place, and the state in  
2071 which the stallion siring the horse was standing when the horse  
2072 was conceived;

2073 2. Pay stallion awards on horses finishing in first,  
2074 second, or third place in thoroughbred horse races; pay stallion  
2075 awards that are greater than 20 percent and less than 15 percent  
2076 of the announced gross purse; reduce or eliminate stallion  
2077 awards to enhance breeders' awards or awards under subparagraph  
2078 3; and vary the rates for stallion awards, based upon the place  
2079 of finish, class of race, and state or country in which the race  
2080 took place; and

2081 3. Pay awards from the funds dedicated for breeders' awards  
2082 and stallion awards to owners of registered Florida-bred horses  
2083 finishing in first, second, or third place in thoroughbred horse  
2084 races in this state, without regard to any awards paid pursuant  
2085 to s. 550.2625(6).

2086 (c) Breeders' awards or stallion awards under this chapter  
2087 may not be paid on thoroughbred horse races taking place in  
2088 other states or countries unless agreed to in writing by all

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2089 thoroughbred permitholders in this state, the Florida  
2090 Thoroughbred Breeders' Association, and the Florida Horsemen's  
2091 Benevolent and Protective Association, Inc.

2092 Section 13. Paragraph (e) is added to subsection (6) of  
2093 section 550.2625, Florida Statutes, to read:

2094 550.2625 Horseracing; minimum purse requirement, Florida  
2095 breeders' and owners' awards.—

2096 (6)

2097 (e) This subsection governs owners' awards paid on  
2098 thoroughbred horse races only in this state, unless a written  
2099 agreement is filed with the division establishing the rate,  
2100 procedures, and eligibility requirements for owners' awards,  
2101 including place of finish, class of race, maximum purse, and  
2102 maximum award, and the agreement is entered into by the  
2103 permitholder, the Florida Thoroughbred Breeders' Association,  
2104 and the association representing a majority of the racehorse  
2105 owners and trainers at the permitholder's location.

2106 Section 14. Section 550.334, Florida Statutes, is amended  
2107 to read:

2108 550.334 Quarter horse racing; substitutions.—

2109 ~~(1) Subject to all the applicable provisions of this~~  
2110 ~~chapter, any person who possesses the qualifications prescribed~~  
2111 ~~in this chapter may apply to the division for a permit to~~  
2112 ~~conduct quarter horse race meetings and racing under this~~  
2113 ~~chapter. The applicant must demonstrate that the location or~~  
2114 ~~locations where the permit will be used are available for such~~  
2115 ~~use and that she or he has the financial ability to satisfy the~~  
2116 ~~reasonably anticipated operational expenses of the first racing~~  
2117 ~~year following final issuance of the permit. If the racing~~

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2118 ~~facility is already built, the application must contain a~~  
2119 ~~statement, with reasonable supporting evidence, that the permit~~  
2120 ~~will be used for quarter horse racing within 1 year after the~~  
2121 ~~date on which it is granted; if the facility is not already~~  
2122 ~~built, the application must contain a statement, with reasonable~~  
2123 ~~supporting evidence, that substantial construction will be~~  
2124 ~~started within 1 year after the issuance of the permit. After~~  
2125 ~~receipt of an application, the division shall convene to~~  
2126 ~~consider and act upon permits applied for. The division shall~~  
2127 ~~disapprove an application if it fails to meet the requirements~~  
2128 ~~of this chapter. Upon each application filed and approved, a~~  
2129 ~~permit shall be issued setting forth the name of the applicant~~  
2130 ~~and a statement showing qualifications of the applicant to~~  
2131 ~~conduct racing under this chapter. If a favorable referendum on~~  
2132 ~~a pari-mutuel facility has not been held previously within the~~  
2133 ~~county, then, before a quarter horse permit may be issued by the~~  
2134 ~~division, a referendum ratified by a majority of the electors in~~  
2135 ~~the county is required on the question of allowing quarter horse~~  
2136  ~~races within that county.~~

2137 ~~(2) After a quarter horse racing permit has been granted by~~  
2138 ~~the division, the department shall grant to the lawful holder of~~  
2139 ~~such permit, subject to the conditions of this section, a~~  
2140 ~~license to conduct quarter horse racing under this chapter; and~~  
2141 ~~the division shall fix annually the time when, place where, and~~  
2142 ~~number of days upon which racing may be conducted by such~~  
2143 ~~quarter horse racing permitholder. After the first license has~~  
2144 ~~been issued to the holder of a permit for quarter horse racing,~~  
2145 ~~all subsequent annual applications for a license by a~~  
2146 ~~permitholder must be accompanied by proof, in such form as the~~

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2147 ~~division requires, that the permit holder still possesses all the~~  
2148 ~~qualifications prescribed by this chapter. The division may~~  
2149 ~~revoke any permit or license issued under this section upon the~~  
2150 ~~willful violation by the licensee of any provision of this~~  
2151 ~~chapter or any rule adopted by the division under this chapter.~~  
2152 ~~The division shall revoke any quarter horse permit under which~~  
2153 ~~no live racing has ever been conducted before July 7, 1990, for~~  
2154 ~~failure to conduct a horse meet pursuant to the license issued~~  
2155 ~~where a full schedule of horseracing has not been conducted for~~  
2156 ~~a period of 18 months commencing on October 1, 1990, unless the~~  
2157 ~~permit holder has commenced construction on a facility at which a~~  
2158 ~~full schedule of live racing could be conducted as approved by~~  
2159 ~~the division. "Commenced construction" means initiation of and~~  
2160 ~~continuous activities beyond site preparation associated with~~  
2161 ~~erecting or modifying a horseracing facility, including~~  
2162 ~~procurement of a building permit applying the use of approved~~  
2163 ~~construction documents, proof of an executed owner/contractor~~  
2164 ~~agreement or an irrevocable or binding forced account, and~~  
2165 ~~actual undertaking of foundation forming with steel installation~~  
2166 ~~and concrete placing. The 18-month period shall be extended by~~  
2167 ~~the division, to the extent that the applicant demonstrates to~~  
2168 ~~the satisfaction of the division that good faith commencement of~~  
2169 ~~the construction of the facility is being delayed by litigation~~  
2170 ~~or by governmental action or inaction with respect to~~  
2171 ~~regulations or permitting precluding commencement of the~~  
2172 ~~construction of the facility.~~

2173 (1) ~~(3)~~ The operator of any licensed racetrack is authorized  
2174 to lease such track to any quarter horse racing permit holder  
2175 located within 35 miles of such track for the conduct of quarter

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2176 horse racing under this chapter. However, a quarter horse  
2177 facility located in a county where a referendum to authorize  
2178 slot machines pursuant to s. 23, Art. X of the State  
2179 Constitution is not subject to the mileage restriction if they  
2180 lease from a licensed racetrack located within a county where a  
2181 referendum was conducted to authorize slot machines pursuant to  
2182 s. 23, Art. X of the State Constitution.

2183 (2)(4) Section 550.054 is inapplicable to quarter horse  
2184 racing as permitted under this section. All other provisions of  
2185 this chapter, including s. 550.054, apply to, govern, and  
2186 control such racing, and the same must be conducted in  
2187 compliance therewith.

2188 (3)(5) Quarter horses participating in such races must be  
2189 duly registered by the American Quarter Horse Association, and  
2190 before each race such horses must be examined and declared in  
2191 fit condition by a qualified person designated by the division.

2192 (4)(6) Any quarter horse racing days permitted under this  
2193 chapter are in addition to any other racing permitted under the  
2194 license issued the track where such quarter horse racing is  
2195 conducted.

2196 (5)(7)(a) Any quarter horse racing permitholder operating  
2197 under a valid permit issued by the division is authorized to  
2198 substitute races of other breeds of horses, ~~except~~  
2199 ~~thoroughbreds,~~ which are, respectively, registered with the  
2200 American Paint Horse Association, Appaloosa Horse Club, Arabian  
2201 Horse Registry of America, Palomino Horse Breeders of America,  
2202 ~~or~~ United States Trotting Association, Florida Cracker Horse  
2203 Association, or for no more than 50 percent of the quarter horse  
2204 races daily, and may substitute races of thoroughbreds

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2205 ~~registered with the~~ Jockey Club for no more than 50 percent of  
2206 the quarter horse races during its meet ~~daily with the written~~  
2207 ~~consent of all greyhound, harness, and thoroughbred~~  
2208 ~~permitholders whose pari-mutuel facilities are located within 50~~  
2209 ~~air miles of such quarter horse racing permitholder's pari-~~  
2210 ~~mutuel facility.~~

2211 ~~(b) Any permittee operating within an area of 50 air miles~~  
2212 ~~of a licensed thoroughbred track may not substitute thoroughbred~~  
2213  ~~races under this section while a thoroughbred horse race meet is~~  
2214 ~~in progress within that 50 miles. Any permittee operating within~~  
2215 ~~an area of 125 air miles of a licensed thoroughbred track may~~  
2216 ~~not substitute live thoroughbred races under this section while~~  
2217 ~~a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)~~  
2218 ~~is conducting a thoroughbred meet within that 125 miles. These~~  
2219 ~~mileage restrictions do not apply to any permittee that holds a~~  
2220 ~~nonwagering permit issued pursuant to s. 550.505.~~

2221 ~~(6)(8)~~ Except as provided in s. 550.3345, a quarter horse  
2222 permit issued pursuant to this section is not eligible for  
2223 transfer or conversion to another type of pari-mutuel operation.

2224 ~~(7)(9)~~ Any nonprofit corporation, including, but not  
2225 limited to, an agricultural cooperative marketing association,  
2226 organized and incorporated under the laws of this state may  
2227 apply for a quarter horse racing permit and operate racing meets  
2228 under such permit, provided all pari-mutuel taxes and fees  
2229 applicable to such racing are paid by the corporation. However,  
2230 insofar as its pari-mutuel operations are concerned, the  
2231 corporation shall be considered to be a corporation for profit  
2232 and is subject to taxation on all property used and profits  
2233 earned in connection with its pari-mutuel operations.

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2234           (8) To be eligible to conduct intertrack wagering, a  
2235 quarter horse racing permitholder must have conducted a full  
2236 schedule of live racing in the preceding year.

2237           ~~(10) Intertrack wagering shall not be authorized for any~~  
2238 ~~quarter horse permitholder without the written consent of all~~  
2239 ~~greyhound, harness, and thoroughbred permitholders whose pari-~~  
2240 ~~mutuel facilities are located within 50 air miles of such~~  
2241 ~~quarter horse permitholder's pari-mutuel facility.~~

2242           Section 15. Section 550.3345, Florida Statutes, is created  
2243 to read:

2244           550.3345 Conversion of quarter horse permit to a limited  
2245 thoroughbred permit.-

2246           (1) In recognition of the important and long-standing  
2247 economic contribution of the thoroughbred horse breeding  
2248 industry to this state and the state's vested interest in  
2249 promoting the continued viability of this agricultural activity,  
2250 the state intends to provide a limited opportunity for the  
2251 conduct of live thoroughbred horse racing with the net revenues  
2252 from such racing dedicated to the enhancement of thoroughbred  
2253 purses and breeders', stallion, and special racing awards under  
2254 this chapter; the general promotion of the thoroughbred horse  
2255 breeding industry; and the care in this state of thoroughbred  
2256 horses retired from racing.

2257           (2) Notwithstanding any other provision of law, the holder  
2258 of a quarter horse racing permit issued under s. 550.334 may,  
2259 within 1 year after the effective date of this section, apply to  
2260 the division for a transfer of the quarter horse racing permit  
2261 to a not-for-profit corporation formed under state law to serve  
2262 the purposes of the state as provided in subsection (1). The

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2263 board of directors of the not-for-profit corporation must be  
2264 comprised of 11 members, 4 of whom shall be designated by the  
2265 applicant, 4 of whom shall be designated by the Florida  
2266 Thoroughbred Breeders' Association, and 3 of whom shall be  
2267 designated by the other 8 directors, with at least 1 of these 3  
2268 members being an authorized representative of another  
2269 thoroughbred permitholder in this state. The not-for-profit  
2270 corporation shall submit an application to the division for  
2271 review and approval of the transfer in accordance with s.  
2272 550.054. Upon approval of the transfer by the division, and  
2273 notwithstanding any other provision of law to the contrary, the  
2274 not-for-profit corporation may, within 1 year after its receipt  
2275 of the permit, request that the division convert the quarter  
2276 horse racing permit to a permit authorizing the holder to  
2277 conduct pari-mutuel wagering meets of thoroughbred racing.  
2278 Neither the transfer of the quarter horse racing permit nor its  
2279 conversion to a limited thoroughbred permit shall be subject to  
2280 the mileage limitation or the ratification election as set forth  
2281 under s. 550.054(2) or s. 550.0651. Upon receipt of the request  
2282 for such conversion, the division shall timely issue a converted  
2283 permit. The converted permit and the not-for-profit corporation  
2284 shall be subject to the following requirements:  
2285 (a) All net revenues derived by the not-for-profit  
2286 corporation under the thoroughbred horse racing permit, after  
2287 the funding of operating expenses and capital improvements,  
2288 shall be dedicated to the enhancement of thoroughbred purses and  
2289 breeders', stallion, and special racing awards under this  
2290 chapter; the general promotion of the thoroughbred horse  
2291 breeding industry; and the care in this state of thoroughbred

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2292 horses retired from racing.

2293 (b) From December 1 through April 30, no live thoroughbred  
2294 racing may be conducted under the permit on any day during which  
2295 another thoroughbred permitholder is conducting live  
2296 thoroughbred racing within 125 air miles of the not-for-profit  
2297 corporation's pari-mutuel facility unless the other thoroughbred  
2298 permitholder gives its written consent.

2299 (c) After the conversion of the quarter horse racing permit  
2300 and the issuance of its initial license to conduct pari-mutuel  
2301 wagering meets of thoroughbred racing, the not-for-profit  
2302 corporation shall annually apply to the division for a license  
2303 pursuant to s. 550.5251(2)-(5).

2304 (d) Racing under the permit may take place only at the  
2305 location for which the original quarter horse racing permit was  
2306 issued, which may be leased by the not-for-profit corporation  
2307 for that purpose; however, the not-for-profit corporation may,  
2308 without the conduct of any ratification election pursuant to s.  
2309 550.054(13) or s. 550.0651, move the location of the permit to  
2310 another location in the same county provided that such  
2311 relocation is approved under the zoning and land use regulations  
2312 of the applicable county or municipality.

2313 (e) No permit converted under this section is eligible for  
2314 transfer to another person or entity.

2315 (3) Unless otherwise provided in this section, after  
2316 conversion, the permit and the not-for-profit corporation shall  
2317 be treated under the laws of this state as a thoroughbred permit  
2318 and as a thoroughbred permitholder, respectively, with the  
2319 exception of s. 550.09515(3).

2320 Section 16. Section 550.3355, Florida Statutes, is amended

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2321 to read:

2322           550.3355 Harness track licenses for summer quarter horse  
2323 racing.—Any harness track licensed to operate under the  
2324 provisions of s. 550.375 may make application for, and shall be  
2325 issued by the division, a license to operate not more than 50  
2326 quarter horse racing days during the summer season, which shall  
2327 extend from July ~~June~~ 1 until October ~~September~~ 1 of each year.  
2328 However, this license to operate quarter horse racing for 50  
2329 days is in addition to the racing days and dates provided in s.  
2330 550.375 for harness racing during the winter seasons; and, it  
2331 does not affect the right of such licensee to operate harness  
2332 racing at the track as provided in s. 550.375 during the winter  
2333 season. All provisions of this chapter governing quarter horse  
2334 racing not in conflict herewith apply to the operation of  
2335 quarter horse meetings authorized hereunder, except that all  
2336 quarter horse racing permitted hereunder shall be conducted at  
2337 night.

2338           Section 17. Section 550.3605, Florida Statutes, is  
2339 repealed.

2340           Section 18. Section 550.5251, Florida Statutes, is amended  
2341 to read:

2342           550.5251 Florida thoroughbred racing; certain permits;  
2343 operating days.—

2344           ~~(1) Each thoroughbred permitholder under whose permit~~  
2345 ~~thoroughbred racing was conducted in this state at any time~~  
2346 ~~between January 1, 1987, and January 1, 1988, shall annually be~~  
2347 ~~entitled to apply for and annually receive thoroughbred racing~~  
2348 ~~days and dates as set forth in this section. As regards such~~  
2349 ~~permitholders, the annual thoroughbred racing season shall be~~

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2350 ~~from June 1 of any year through May 31 of the following year and~~  
2351 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

2352 ~~(1)(2)~~ Each thoroughbred permitholder ~~referred to in~~  
2353 ~~subsection (1)~~ shall annually, during the period commencing  
2354 December 15 of each year and ending January 4 of the following  
2355 year, file in writing with the division its application to  
2356 conduct one or more thoroughbred racing meetings during the  
2357 thoroughbred racing season commencing on the following July ~~June~~  
2358 1. Each application shall specify the number and dates of all  
2359 performances that the permitholder intends to conduct during  
2360 that thoroughbred racing season. On or before March ~~February~~ 15  
2361 of each year, the division shall issue a license authorizing  
2362 each permitholder to conduct performances on the dates specified  
2363 in its application. Up to February 28 ~~March 31~~ of each year,  
2364 each permitholder may request and shall be granted changes in  
2365 its authorized performances; but thereafter, as a condition  
2366 precedent to the validity of its license and its right to retain  
2367 its permit, each permitholder must operate the full number of  
2368 days authorized on each of the dates set forth in its license.

2369 ~~(3) Each thoroughbred permit referred to in subsection (1),~~  
2370 ~~including, but not limited to, any permit originally issued as a~~  
2371 ~~summer thoroughbred horse racing permit, is hereby validated and~~  
2372 ~~shall continue in full force and effect.~~

2373 ~~(2)(4)~~ A thoroughbred racing permitholder may not begin any  
2374 race later than 7 p.m. Any thoroughbred permitholder in a county  
2375 in which the authority for cardrooms has been approved by the  
2376 board of county commissioners may operate a cardroom and, when  
2377 conducting live races during its current race meet, may receive  
2378 and rebroadcast out-of-state races after the hour of 7 p.m. on

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2379 any day during which the permitholder conducts live races.

2380 (3)~~(5)~~(a) Each licensed thoroughbred permitholder in this  
2381 state must run an average of one race per racing day in which  
2382 horses bred in this state and duly registered with the Florida  
2383 Thoroughbred Breeders' Association have preference as entries  
2384 over non-Florida-bred horses, unless otherwise agreed to in  
2385 writing by the permitholder, the Florida Thoroughbred Breeders'  
2386 Association, and the association representing a majority of the  
2387 thoroughbred racehorse owners and trainers at that location. All  
2388 licensed thoroughbred racetracks shall write the conditions for  
2389 such races in which Florida-bred horses are preferred so as to  
2390 assure that all Florida-bred horses available for racing at such  
2391 tracks are given full opportunity to run in the class of races  
2392 for which they are qualified. The opportunity of running must be  
2393 afforded to each class of horses in the proportion that the  
2394 number of horses in this class bears to the total number of  
2395 Florida-bred horses available. A track is not required to write  
2396 conditions for a race to accommodate a class of horses for which  
2397 a race would otherwise not be run at the track during its meet  
2398 meeting.

2399 (b) Each licensed thoroughbred permitholder in this state  
2400 may run one additional race per racing day composed exclusively  
2401 of Arabian horses registered with the Arabian Horse Registry of  
2402 America. Any licensed thoroughbred permitholder that elects to  
2403 run one additional race per racing day composed exclusively of  
2404 Arabian horses registered with the Arabian Horse Registry of  
2405 America is not required to provide stables for the Arabian  
2406 horses racing under this paragraph.

2407 (c) Each licensed thoroughbred permitholder in this state

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2408 may run up to three additional races per racing day composed  
2409 exclusively of quarter horses registered with the American  
2410 Quarter Horse Association.

2411 ~~(6) Notwithstanding the provisions of subsection (2), a~~  
2412 ~~thoroughbred permitholder who fails to operate all performances~~  
2413 ~~on its 2001-2002 license does not lose its right to retain its~~  
2414 ~~permit. Such thoroughbred permitholder is eligible for issuance~~  
2415 ~~of an annual license pursuant to s. 550.0115 for subsequent~~  
2416 ~~thoroughbred racing seasons. The division shall take no~~  
2417 ~~disciplinary action against such thoroughbred permitholder for~~  
2418 ~~failure to operate all licensed performances for the 2001-2002~~  
2419 ~~license pursuant to this section or s. 550.01215. This section~~  
2420 ~~may not be interpreted to prohibit the division from taking~~  
2421 ~~disciplinary action against a thoroughbred permitholder for~~  
2422 ~~failure to pay taxes on performances operated pursuant to its~~  
2423 ~~2001-2002 license. This subsection expires July 1, 2003.~~

2424 ~~(7) A thoroughbred permitholder shall file an amendment~~  
2425 ~~with the division no later than July 1, 2002, that indicates~~  
2426 ~~that it will not be able to operate the performances scheduled~~  
2427 ~~on its 2002-2003 license without imposition of any penalty for~~  
2428 ~~failure to operate all licensed performances provided in this~~  
2429 ~~chapter. This subsection expires July 1, 2003.~~

2430 Section 19. Subsections (4) and (7) of section 551.102,  
2431 Florida Statutes, are amended to read:

2432 551.102 Definitions.—As used in this chapter, the term:

2433 (4) "Eligible facility" means any licensed pari-mutuel  
2434 facility located in Miami-Dade County or Broward County existing  
2435 at the time of adoption of s. 23, Art. X of the State  
2436 Constitution that has conducted live racing or games during

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2437 calendar years 2002 and 2003 and has been approved by a majority  
2438 of voters in a countywide referendum to have slot machines at  
2439 such facility in the respective county; any licensed pari-mutuel  
2440 facility located within a county as defined in s. 125.011,  
2441 provided such facility has conducted live racing for 2  
2442 consecutive calendar years immediately preceding its application  
2443 for a slot machine license, pays the required license fee, and  
2444 meets the other requirements of this chapter; or any licensed  
2445 pari-mutuel facility in any other county in which a majority of  
2446 voters have approved slot machines at such facilities in a  
2447 countywide referendum held pursuant to a statutory or  
2448 constitutional authorization after the effective date of this  
2449 section in the respective county, provided such facility has  
2450 conducted a full schedule of live racing for 2 consecutive  
2451 calendar years immediately preceding its application for a slot  
2452 machine license, pays the required licensed fee, and meets the  
2453 other requirements of this chapter.

2454 (7) "Progressive system" means a computerized system  
2455 linking slot machines in one or more licensed facilities within  
2456 this state or other jurisdictions and offering one or more  
2457 common progressive payouts based on the amounts wagered.

2458 Section 20. Paragraph (j) of subsection (4) and paragraph  
2459 (a) of subsection (10) of section 551.104, Florida Statutes, are  
2460 amended to read:

2461 551.104 License to conduct slot machine gaming.—

2462 (4) As a condition of licensure and to maintain continued  
2463 authority for the conduct of slot machine gaming, the slot  
2464 machine licensee shall:

2465 (j) Ensure that the payout percentage of a slot machine

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2466 gaming facility is at least ~~no less than~~ 85 percent.

2467 (10) (a) 1. No slot machine license or renewal thereof shall  
2468 be issued to an applicant holding a permit under chapter 550 to  
2469 conduct pari-mutuel wagering meets of thoroughbred racing unless  
2470 the applicant has on file with the division a binding written  
2471 agreement between the applicant and the Florida Horsemen's  
2472 Benevolent and Protective Association, Inc., governing the  
2473 payment of purses on live thoroughbred races conducted at the  
2474 licensee's pari-mutuel facility. In addition, no slot machine  
2475 license or renewal thereof shall be issued to such an applicant  
2476 unless the applicant has on file with the division a binding  
2477 written agreement between the applicant and the Florida  
2478 Thoroughbred Breeders' Association, Inc., governing the payment  
2479 of breeders', stallion, and special racing awards on live  
2480 thoroughbred races conducted at the licensee's pari-mutuel  
2481 facility. The agreement governing purses and the agreement  
2482 governing awards may direct the payment of such purses and  
2483 awards from revenues generated by any wagering or gaming the  
2484 applicant is authorized to conduct under Florida law. All purses  
2485 and awards shall be subject to the terms of chapter 550. All  
2486 sums for breeders', stallion, and special racing awards shall be  
2487 remitted monthly to the Florida Thoroughbred Breeders'  
2488 Association, Inc., for the payment of awards subject to the  
2489 administrative fee authorized in s. 550.2625(3).

2490 2. No slot machine license or renewal thereof shall be  
2491 issued to an applicant holding a permit under chapter 550 to  
2492 conduct pari-mutuel wagering meets of quarter horse racing  
2493 unless the applicant has on file with the division a binding  
2494 written agreement between the applicant and the Florida Quarter

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2495 Horse Racing Association or the association representing a  
2496 majority of the horse owners and trainers at the applicants  
2497 eligible facility, governing the payment of purses on live  
2498 quarter horse races conducted at the licensee's pari-mutuel  
2499 facility. The agreement governing purses may direct the payment  
2500 of such purses from revenues generated by any wagering or gaming  
2501 the applicant is authorized to conduct under Florida law. All  
2502 purses shall be subject to the terms of chapter 550.

2503 (b) The division shall suspend a slot machine license if  
2504 one or more of the agreements required under paragraph (a) are  
2505 terminated or otherwise cease to operate or if the division  
2506 determines that the licensee is materially failing to comply  
2507 with the terms of such an agreement. Any such suspension shall  
2508 take place in accordance with chapter 120.

2509 (c)1. If an agreement required under paragraph (a) cannot  
2510 be reached prior to the initial issuance of the slot machine  
2511 license, either party may request arbitration or, in the case of  
2512 a renewal, if an agreement required under paragraph (a) is not  
2513 in place 120 days prior to the scheduled expiration date of the  
2514 slot machine license, the applicant shall immediately ask the  
2515 American Arbitration Association to furnish a list of 11  
2516 arbitrators, each of whom shall have at least 5 years of  
2517 commercial arbitration experience and no financial interest in  
2518 or prior relationship with any of the parties or their  
2519 affiliated or related entities or principals. Each required  
2520 party to the agreement shall select a single arbitrator from the  
2521 list provided by the American Arbitration Association within 10  
2522 days of receipt, and the individuals so selected shall choose  
2523 one additional arbitrator from the list within the next 10 days.

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2524           2. If an agreement required under paragraph (a) is not in  
2525 place 60 days after the request under subparagraph 1. in the  
2526 case of an initial slot machine license or, in the case of a  
2527 renewal, 60 days prior to the scheduled expiration date of the  
2528 slot machine license, the matter shall be immediately submitted  
2529 to mandatory binding arbitration to resolve the disagreement  
2530 between the parties. The three arbitrators selected pursuant to  
2531 subparagraph 1. shall constitute the panel that shall arbitrate  
2532 the dispute between the parties pursuant to the American  
2533 Arbitration Association Commercial Arbitration Rules and chapter  
2534 682.

2535           3. At the conclusion of the proceedings, which shall be no  
2536 later than 90 days after the request under subparagraph 1. in  
2537 the case of an initial slot machine license or, in the case of a  
2538 renewal, 30 days prior to the scheduled expiration date of the  
2539 slot machine license, the arbitration panel shall present to the  
2540 parties a proposed agreement that the majority of the panel  
2541 believes equitably balances the rights, interests, obligations,  
2542 and reasonable expectations of the parties. The parties shall  
2543 immediately enter into such agreement, which shall satisfy the  
2544 requirements of paragraph (a) and permit issuance of the pending  
2545 annual slot machine license or renewal. The agreement produced  
2546 by the arbitration panel under this subparagraph shall be  
2547 effective until the last day of the license or renewal period or  
2548 until the parties enter into a different agreement. Each party  
2549 shall pay its respective costs of arbitration and shall pay one-  
2550 half of the costs of the arbitration panel, unless the parties  
2551 otherwise agree. If the agreement produced by the arbitration  
2552 panel under this subparagraph remains in place 120 days prior to

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2553 the scheduled issuance of the next annual license renewal, then  
2554 the arbitration process established in this paragraph will begin  
2555 again.

2556 4. In the event that neither of the agreements required  
2557 under subparagraph (a)1. or the agreement required under  
2558 subparagraph (a)2. ~~paragraph (a)~~ are in place by the deadlines  
2559 established in this paragraph, arbitration regarding each  
2560 agreement will proceed independently, with separate lists of  
2561 arbitrators, arbitration panels, arbitration proceedings, and  
2562 resulting agreements.

2563 5. With respect to the agreements ~~agreement~~ required under  
2564 paragraph (a) governing the payment of purses, the arbitration  
2565 and resulting agreement called for under this paragraph shall be  
2566 limited to the payment of purses from slot machine revenues  
2567 only.

2568 (d) If any provision of this subsection or its application  
2569 to any person or circumstance is held invalid, the invalidity  
2570 does not affect other provisions or applications of this  
2571 subsection or chapter which can be given effect without the  
2572 invalid provision or application, and to this end the provisions  
2573 of this subsection are severable.

2574 Section 21. Paragraph (a) of subsection (1), paragraph (a)  
2575 of subsection (2), and subsection (3) of section 551.106,  
2576 Florida Statutes, are amended to read:

2577 551.106 License fee; tax rate; penalties.—

2578 (1) LICENSE FEE.—

2579 (a) Upon submission of the initial application for a slot  
2580 machine license and annually thereafter, on the anniversary date  
2581 of the issuance of the initial license, the licensee must pay to

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2582 the division a nonrefundable license fee of \$3 million for the  
2583 succeeding 12 months of licensure. In the 2010-2011 fiscal year,  
2584 the licensee must pay the division a nonrefundable license fee  
2585 of \$2.5 million for the succeeding 12 months of licensure. In  
2586 the 2011-2012 fiscal year and for every fiscal year thereafter,  
2587 the licensee must pay the division a nonrefundable license fee  
2588 of \$2 million for the succeeding 12 months of licensure. The  
2589 license fee shall be deposited into the Pari-mutuel Wagering  
2590 Trust Fund of the Department of Business and Professional  
2591 Regulation to be used by the division and the Department of Law  
2592 Enforcement for investigations, regulation of slot machine  
2593 gaming, and enforcement of slot machine gaming provisions under  
2594 this chapter. These payments shall be accounted for separately  
2595 from taxes or fees paid pursuant to the provisions of chapter  
2596 550.

2597 (2) TAX ON SLOT MACHINE REVENUES.—

2598 (a) The tax rate on slot machine revenues at each facility  
2599 shall be 35 ~~50~~ percent. If, during any state fiscal year, the  
2600 aggregate amount of tax paid to the state by all slot machine  
2601 licensees in Broward and Miami-Dade Counties is less than the  
2602 aggregate amount of tax paid to the state by all slot machine  
2603 licensees in the 2008-2009 fiscal year, each slot machine  
2604 licensee shall pay to the state within 45 days after the end of  
2605 the state fiscal year a surcharge equal to its pro rata share of  
2606 an amount equal to the difference between the aggregate amount  
2607 of tax paid to the state by all slot machine licensees in the  
2608 2008-2009 fiscal year and the amount of tax paid during the  
2609 fiscal year. Each licensee's pro rata share shall be an amount  
2610 determined by dividing the number 1 by the number of facilities

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2611 licensed to operate slot machines during the applicable fiscal  
2612 year, regardless of whether the facility is operating such  
2613 machines.

2614 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax  
2615 on slot machine revenues imposed by this section shall be paid  
2616 to the division. The division shall deposit these sums with the  
2617 Chief Financial Officer, to the credit of the Pari-mutuel  
2618 Wagering Trust Fund. The slot machine licensee shall remit to  
2619 the division payment for the tax on slot machine revenues. Such  
2620 payments shall be remitted by 3 p.m. Wednesday of each week for  
2621 taxes imposed and collected for the preceding week ending on  
2622 Sunday. Beginning on July 1, 2012, the slot machine licensee  
2623 shall remit to the division payment for the tax on slot machine  
2624 revenues by 3 p.m. on the 5th day of each calendar month for  
2625 taxes imposed and collected for the preceding calendar month. If  
2626 the 5th day of the calendar month falls on a weekend, payments  
2627 shall be remitted by 3 p.m. the first Monday following the  
2628 weekend. The slot machine licensee shall file a report under  
2629 oath by the 5th day of each calendar month for all taxes  
2630 remitted during the preceding calendar month. Such payments  
2631 shall be accompanied by a report under oath showing all slot  
2632 machine gaming activities for the preceding calendar month and  
2633 such other information as may be prescribed by the division.

2634 Section 22. Subsection (5) of section 551.121, Florida  
2635 Statutes, is amended to read:

2636 551.121 Prohibited activities and devices; exceptions.—

2637 (5) A slot machine, or the computer operating system  
2638 linking the slot machine, may be linked by any means to any  
2639 other slot machine or computer operating system within the

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2640 facility of a slot machine licensee. A progressive system may  
2641 ~~not~~ be used in conjunction with slot machines between licensed  
2642 facilities in Florida or in other jurisdictions.

2643 Section 23. Paragraph (a) of subsection (1) and paragraph  
2644 (a) of subsection (2) and of section 772.102, Florida Statutes,  
2645 are amended to read:

2646 772.102 Definitions.—As used in this chapter, the term:

2647 (1) "Criminal activity" means to commit, to attempt to  
2648 commit, to conspire to commit, or to solicit, coerce, or  
2649 intimidate another person to commit:

2650 (a) Any crime that is chargeable by indictment or  
2651 information under the following provisions:

2652 1. Section 210.18, relating to evasion of payment of  
2653 cigarette taxes.

2654 2. Section 414.39, relating to public assistance fraud.

2655 3. Section 440.105 or s. 440.106, relating to workers'  
2656 compensation.

2657 4. Part IV of chapter 501, relating to telemarketing.

2658 5. Chapter 517, relating to securities transactions.

2659 6. Section 550.235 or, s. 550.3551, ~~or s. 550.3605~~,  
2660 relating to dogracing and horseracing.

2661 7. Chapter 550, relating to jai alai frontons.

2662 8. Chapter 552, relating to the manufacture, distribution,  
2663 and use of explosives.

2664 9. Chapter 562, relating to beverage law enforcement.

2665 10. Section 624.401, relating to transacting insurance  
2666 without a certificate of authority, s. 624.437(4)(c)1., relating  
2667 to operating an unauthorized multiple-employer welfare  
2668 arrangement, or s. 626.902(1)(b), relating to representing or

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2669 aiding an unauthorized insurer.  
2670       11. Chapter 687, relating to interest and usurious  
2671 practices.  
2672       12. Section 721.08, s. 721.09, or s. 721.13, relating to  
2673 real estate timeshare plans.  
2674       13. Chapter 782, relating to homicide.  
2675       14. Chapter 784, relating to assault and battery.  
2676       15. Chapter 787, relating to kidnapping or human  
2677 trafficking.  
2678       16. Chapter 790, relating to weapons and firearms.  
2679       17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s.  
2680 796.07, relating to prostitution.  
2681       18. Chapter 806, relating to arson.  
2682       19. Section 810.02(2)(c), relating to specified burglary of  
2683 a dwelling or structure.  
2684       20. Chapter 812, relating to theft, robbery, and related  
2685 crimes.  
2686       21. Chapter 815, relating to computer-related crimes.  
2687       22. Chapter 817, relating to fraudulent practices, false  
2688 pretenses, fraud generally, and credit card crimes.  
2689       23. Section 827.071, relating to commercial sexual  
2690 exploitation of children.  
2691       24. Chapter 831, relating to forgery and counterfeiting.  
2692       25. Chapter 832, relating to issuance of worthless checks  
2693 and drafts.  
2694       26. Section 836.05, relating to extortion.  
2695       27. Chapter 837, relating to perjury.  
2696       28. Chapter 838, relating to bribery and misuse of public  
2697 office.

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2698 29. Chapter 843, relating to obstruction of justice.  
2699 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
2700 s. 847.07, relating to obscene literature and profanity.  
2701 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
2702 849.25, relating to gambling.  
2703 32. Chapter 893, relating to drug abuse prevention and  
2704 control.  
2705 33. Section 914.22 or s. 914.23, relating to witnesses,  
2706 victims, or informants.  
2707 34. Section 918.12 or s. 918.13, relating to tampering with  
2708 jurors and evidence.  
2709 (2) "Unlawful debt" means any money or other thing of value  
2710 constituting principal or interest of a debt that is legally  
2711 unenforceable in this state in whole or in part because the debt  
2712 was incurred or contracted:  
2713 (a) In violation of any one of the following provisions of  
2714 law:  
2715 1. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~  
2716 relating to dogracing and horseracing.  
2717 2. Chapter 550, relating to jai alai frontons.  
2718 3. Section 687.071, relating to criminal usury, loan  
2719 sharking, and shylocking.  
2720 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
2721 849.25, relating to gambling.  
2722 Section 24. Paragraphs (a) and (b) of subsection (5),  
2723 subsection (6), paragraphs (a) and (b) of subsection (7),  
2724 subsection (8), and paragraph (d) of subsection (13) of section  
2725 849.086, Florida Statutes, are amended to read:  
2726 849.086 Cardrooms authorized.—

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2727 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may  
2728 operate a cardroom in this state unless such person holds a  
2729 valid cardroom license issued pursuant to this section.

2730 (a) Only those persons holding a valid cardroom license  
2731 issued by the division may operate a cardroom. A cardroom  
2732 license may only be issued to a licensed pari-mutuel  
2733 permitholder and an authorized cardroom may only be operated at  
2734 the same facility at which the permitholder is authorized under  
2735 its valid pari-mutuel wagering permit to conduct pari-mutuel  
2736 wagering activities. An initial cardroom license shall be issued  
2737 to a pari-mutuel permitholder only after its facilities are in  
2738 place and after it conducts its first day of live racing or  
2739 games.

2740 (b) After the initial cardroom license is granted, the  
2741 application for the annual license renewal shall be made in  
2742 conjunction with the applicant's annual application for its  
2743 pari-mutuel license. If a permitholder has operated a cardroom  
2744 during any of the 3 previous fiscal years and fails to include a  
2745 renewal request for the operation of the cardroom in its annual  
2746 application for license renewal, the permitholder may amend its  
2747 annual application to include operation of the cardroom. In  
2748 order for a cardroom license to be renewed the applicant must  
2749 have requested, as part of its pari-mutuel annual license  
2750 application, to conduct at least 90 percent of the total number  
2751 of live performances conducted by such permitholder during  
2752 either the state fiscal year in which its initial cardroom  
2753 license was issued or the state fiscal year immediately prior  
2754 thereto if the permitholder ran at least a full schedule of live  
2755 racing or games in the prior year. If the application is for a

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2756 harness permitholder cardroom, the applicant must have requested  
2757 authorization to conduct a minimum of 140 live performances  
2758 during the state fiscal year immediately prior thereto. If more  
2759 than one permitholder is operating at a facility, each  
2760 permitholder must have applied for a license to conduct a full  
2761 schedule of live racing.

2762 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;  
2763 APPLICATION; FEES.—

2764 (a) A person employed or otherwise working in a cardroom as  
2765 a cardroom manager, floor supervisor, pit boss, dealer, or any  
2766 other activity related to cardroom operations while the facility  
2767 is conducting card playing or games of dominoes must hold a  
2768 valid cardroom employee occupational license issued by the  
2769 division. Food service, maintenance, and security employees with  
2770 a current pari-mutuel occupational license and a current  
2771 background check will not be required to have a cardroom  
2772 employee occupational license.

2773 (b) Any cardroom management company or cardroom distributor  
2774 associated with cardroom operations must hold a valid cardroom  
2775 business occupational license issued by the division.

2776 (c) No licensed cardroom operator may employ or allow to  
2777 work in a cardroom any person unless such person holds a valid  
2778 occupational license. No licensed cardroom operator may  
2779 contract, or otherwise do business with, a business required to  
2780 hold a valid cardroom business occupational license, unless the  
2781 business holds such a valid license.

2782 (d) The division shall establish, by rule, a schedule for  
2783 the ~~annual~~ renewal of cardroom occupational licenses. Cardroom  
2784 occupational licenses are not transferable.

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2785 (e) Persons seeking cardroom occupational licenses, or  
2786 renewal thereof, shall make application on forms prescribed by  
2787 the division. Applications for cardroom occupational licenses  
2788 shall contain all of the information the division, by rule, may  
2789 determine is required to ensure eligibility.

2790 (f) The division shall adopt ~~promulgate~~ rules regarding  
2791 cardroom occupational licenses. The provisions specified in s.  
2792 550.105(4), (5), (6), (7), (8), and (10) relating to licensure  
2793 shall be applicable to cardroom occupational licenses.

2794 (g) The division may deny, declare ineligible, or revoke  
2795 any cardroom occupational license if the applicant or holder  
2796 thereof has been found guilty or had adjudication withheld in  
2797 this state or any other state, or under the laws of the United  
2798 States of a felony or misdemeanor involving forgery, larceny,  
2799 extortion, conspiracy to defraud, or filing false reports to a  
2800 government agency, racing or gaming commission or authority.

2801 (h) Fingerprints for all cardroom occupational license  
2802 applications shall be taken in a manner approved by the division  
2803 and then shall be submitted to the Florida Department of Law  
2804 Enforcement and the Federal Bureau of Investigation for a  
2805 criminal records check upon initial application and at least  
2806 every 5 years thereafter. The division may by rule require an  
2807 annual record check of all renewal applications for a cardroom  
2808 occupational license. The cost of processing fingerprints and  
2809 conducting a record check shall be borne by the applicant.

2810 (i) The cardroom employee occupational license fee shall  
2811 not exceed ~~be~~ \$50 for any 12-month period. The cardroom business  
2812 occupational license fee shall not exceed ~~be~~ \$250 for any 12-  
2813 month period.

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2814 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2815 (a) A cardroom may be operated only at the location  
2816 specified on the cardroom license issued by the division, and  
2817 such location may only be the location at which the pari-mutuel  
2818 permitholder is authorized to conduct pari-mutuel wagering  
2819 activities pursuant to such permitholder's valid pari-mutuel  
2820 permit or as otherwise authorized by law. Cardroom operations  
2821 may not be allowed beyond the hours provided in paragraph (b)  
2822 regardless of the number of cardroom licenses issued for  
2823 permitholders operating at the pari-mutuel facility.

2824 (b) Any cardroom operator ~~horserace, greyhound race, or jai~~  
2825 ~~alai permitholder licensed under this section~~ may operate a  
2826 cardroom at the pari-mutuel facility daily throughout the year,  
2827 ~~on any day for a cumulative amount of 12 hours~~ if the  
2828 permitholder meets the requirements under paragraph (5) (b). The  
2829 cardroom may be open a cumulative amount of 18 hours per day on  
2830 Monday through Friday and 24 hours per day on Saturday and  
2831 Sunday and on the holidays specified in s. 110.117(1).

2832 (8) METHOD OF WAGERS; LIMITATION.—

2833 (a) No wagering may be conducted using money or other  
2834 negotiable currency. Games may only be played utilizing a  
2835 wagering system whereby all players' money is first converted by  
2836 the house to tokens or chips which shall be used for wagering  
2837 only at that specific cardroom.

2838 (b) The cardroom operator may limit the amount wagered in  
2839 any game or series of games, ~~but the maximum bet may not exceed~~  
2840 ~~\$5 in value. There may not be more than three raises in any~~  
2841 ~~round of betting. The fee charged by the cardroom for~~  
2842 ~~participation in the game shall not be included in the~~

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2843 ~~calculation of the limitation on the bet amount provided in this~~  
2844 ~~paragraph. However, a cardroom operator may conduct games of~~  
2845 ~~Texas Hold-em without a betting limit if the required player~~  
2846 ~~buy-in is no more than \$100.~~

2847 (c) A tournament shall consist of a series of games. The  
2848 entry fee for a tournament may be set by the cardroom operator,  
2849 ~~including any re-buys,~~ may not exceed the maximum amount that  
2850 could be wagered by a participant in 10 like-kind, nontournament  
2851 ~~games under paragraph (b).~~ Tournaments may be played only with  
2852 tournament chips that are provided to all participants in  
2853 exchange for an entry fee and any subsequent re-buys. All  
2854 players must receive an equal number of tournament chips for  
2855 their entry fee. Tournament chips have no cash value and  
2856 represent tournament points only. There is no limitation on the  
2857 number of tournament chips that may be used for a bet except as  
2858 otherwise determined by the cardroom operator. Tournament chips  
2859 may never be redeemed for cash or for any other thing of value.  
2860 The distribution of prizes and cash awards must be determined by  
2861 the cardroom operator before entry fees are accepted. For  
2862 purposes of tournament play only, the term "gross receipts"  
2863 means the total amount received by the cardroom operator for all  
2864 entry fees, player re-buys, and fees for participating in the  
2865 tournament less the total amount paid to the winners or others  
2866 as prizes.

2867 (13) TAXES AND OTHER PAYMENTS.—

2868 (d)1. Each greyhound and jai alai permitholder that  
2869 operates a cardroom facility shall use at least 4 percent of  
2870 such permitholder's cardroom monthly gross receipts to  
2871 supplement greyhound purses or jai alai prize money,

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2872 respectively, during the permitholder's next ensuing pari-mutuel  
2873 meet.

2874 2. Each thoroughbred and harness horse racing permitholder  
2875 that operates a cardroom facility shall use at least 50 percent  
2876 of such permitholder's cardroom monthly net proceeds as follows:  
2877 47 percent to supplement purses and 3 percent to supplement  
2878 breeders' awards during the permitholder's next ensuing racing  
2879 meet.

2880 3. No cardroom license or renewal thereof shall be issued  
2881 to an applicant holding a permit under chapter 550 to conduct  
2882 pari-mutuel wagering meets of quarter horse racing unless the  
2883 applicant has on file with the division a binding written  
2884 agreement between the applicant and the Florida Quarter Horse  
2885 Racing Association or the association representing a majority of  
2886 the horse owners and trainers at the applicants eligible  
2887 facility, governing the payment of purses on live quarter horse  
2888 racers conducted at the licensee's pari-mutuel facility. The  
2889 agreement governing purses may direct the payment of such purses  
2890 from revenues generated by any wagering or gaming the applicant  
2891 is authorized to conduct under Florida law. All purses shall be  
2892 subject to the terms of chapter 550.

2893 Section 25. Paragraph (a) of subsection (1) and paragraph  
2894 (a) of subsection (2) of section 895.02, Florida Statutes, are  
2895 amended to read:

2896 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

2897 (1) "Racketeering activity" means to commit, to attempt to  
2898 commit, to conspire to commit, or to solicit, coerce, or  
2899 intimidate another person to commit:

2900 (a) Any crime that is chargeable by petition, indictment,

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2901 or information under the following provisions of the Florida  
2902 Statutes:

2903 1. Section 210.18, relating to evasion of payment of  
2904 cigarette taxes.

2905 2. Section 316.1935, relating to fleeing or attempting to  
2906 elude a law enforcement officer and aggravated fleeing or  
2907 eluding.

2908 3. Section 403.727(3)(b), relating to environmental  
2909 control.

2910 4. Section 409.920 or s. 409.9201, relating to Medicaid  
2911 fraud.

2912 5. Section 414.39, relating to public assistance fraud.

2913 6. Section 440.105 or s. 440.106, relating to workers'  
2914 compensation.

2915 7. Section 443.071(4), relating to creation of a fictitious  
2916 employer scheme to commit unemployment compensation fraud.

2917 8. Section 465.0161, relating to distribution of medicinal  
2918 drugs without a permit as an Internet pharmacy.

2919 9. Section 499.0051, relating to crimes involving  
2920 contraband and adulterated drugs.

2921 10. Part IV of chapter 501, relating to telemarketing.

2922 11. Chapter 517, relating to sale of securities and  
2923 investor protection.

2924 12. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~  
2925 relating to dogracing and horseracing.

2926 13. Chapter 550, relating to jai alai frontons.

2927 14. Section 551.109, relating to slot machine gaming.

2928 15. Chapter 552, relating to the manufacture, distribution,  
2929 and use of explosives.

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- 2930           16. Chapter 560, relating to money transmitters, if the  
2931 violation is punishable as a felony.
- 2932           17. Chapter 562, relating to beverage law enforcement.
- 2933           18. Section 624.401, relating to transacting insurance  
2934 without a certificate of authority, s. 624.437(4)(c)1., relating  
2935 to operating an unauthorized multiple-employer welfare  
2936 arrangement, or s. 626.902(1)(b), relating to representing or  
2937 aiding an unauthorized insurer.
- 2938           19. Section 655.50, relating to reports of currency  
2939 transactions, when such violation is punishable as a felony.
- 2940           20. Chapter 687, relating to interest and usurious  
2941 practices.
- 2942           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
2943 real estate timeshare plans.
- 2944           22. Section 775.13(5)(b), relating to registration of  
2945 persons found to have committed any offense for the purpose of  
2946 benefiting, promoting, or furthering the interests of a criminal  
2947 gang.
- 2948           23. Section 777.03, relating to commission of crimes by  
2949 accessories after the fact.
- 2950           24. Chapter 782, relating to homicide.
- 2951           25. Chapter 784, relating to assault and battery.
- 2952           26. Chapter 787, relating to kidnapping or human  
2953 trafficking.
- 2954           27. Chapter 790, relating to weapons and firearms.
- 2955           28. Chapter 794, relating to sexual battery, but only if  
2956 such crime was committed with the intent to benefit, promote, or  
2957 further the interests of a criminal gang, or for the purpose of  
2958 increasing a criminal gang member's own standing or position

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2959 within a criminal gang.  
2960       29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
2961 796.05, or s. 796.07, relating to prostitution and sex  
2962 trafficking.  
2963       30. Chapter 806, relating to arson and criminal mischief.  
2964       31. Chapter 810, relating to burglary and trespass.  
2965       32. Chapter 812, relating to theft, robbery, and related  
2966 crimes.  
2967       33. Chapter 815, relating to computer-related crimes.  
2968       34. Chapter 817, relating to fraudulent practices, false  
2969 pretenses, fraud generally, and credit card crimes.  
2970       35. Chapter 825, relating to abuse, neglect, or  
2971 exploitation of an elderly person or disabled adult.  
2972       36. Section 827.071, relating to commercial sexual  
2973 exploitation of children.  
2974       37. Chapter 831, relating to forgery and counterfeiting.  
2975       38. Chapter 832, relating to issuance of worthless checks  
2976 and drafts.  
2977       39. Section 836.05, relating to extortion.  
2978       40. Chapter 837, relating to perjury.  
2979       41. Chapter 838, relating to bribery and misuse of public  
2980 office.  
2981       42. Chapter 843, relating to obstruction of justice.  
2982       43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
2983 s. 847.07, relating to obscene literature and profanity.  
2984       44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
2985 849.25, relating to gambling.  
2986       45. Chapter 874, relating to criminal gangs.  
2987       46. Chapter 893, relating to drug abuse prevention and

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2988 control.

2989 47. Chapter 896, relating to offenses related to financial  
2990 transactions.

2991 48. Sections 914.22 and 914.23, relating to tampering with  
2992 or harassing a witness, victim, or informant, and retaliation  
2993 against a witness, victim, or informant.

2994 49. Sections 918.12 and 918.13, relating to tampering with  
2995 jurors and evidence.

2996 (2) "Unlawful debt" means any money or other thing of value  
2997 constituting principal or interest of a debt that is legally  
2998 unenforceable in this state in whole or in part because the debt  
2999 was incurred or contracted:

3000 (a) In violation of any one of the following provisions of  
3001 law:

3002 1. Section 550.235 or, s. 550.3551, ~~or s. 550.3605~~,  
3003 relating to dogracing and horseracing.

3004 2. Chapter 550, relating to jai alai frontons.

3005 3. Section 551.109, relating to slot machine gaming.

3006 4. Chapter 687, relating to interest and usury.

3007 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
3008 849.25, relating to gambling.

3009 Section 26. Sections 1 through 3 of this act and this  
3010 section shall take effect upon becoming law. Sections 4 through  
3011 25 shall take effect only if the Governor and an authorized  
3012 representative of the Seminole Tribe of Florida execute an  
3013 Indian Gaming Compact pursuant to the Indian Gaming Regulatory  
3014 Act of 1988 and requirements of this act, only if the compact is  
3015 ratified by the Legislature, and only if the compact is approved  
3016 or deemed approved, and not voided pursuant to the terms of this

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3017 act, by the Department of the Interior, and such sections take  
3018 effect on the date that the approved compact is published in the  
3019 Federal Register.