

By the Committee on Regulated Industries; and Senator Jones

580-03623-10

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1                   A bill to be entitled  
2           An act relating to gaming; providing legislative  
3           intent regarding a tribal-state compact; amending s.  
4           285.710, F.S.; clarifying that the tribal-state  
5           compact executed by the Governor and the Seminole  
6           Tribe of Florida on November 14, 2007, is void and not  
7           in effect; providing that the tribal-state compact  
8           executed by the Seminole Tribe of Florida and the  
9           Governor on August 28, 2009, and August 31, 2009,  
10          respectively, is void and not in effect; creating s.  
11          285.712, F.S.; designating the Governor as the  
12          official to negotiate tribal-state compacts; providing  
13          for ratification of tribal-state compacts by the  
14          Legislature; providing for submission of the tribal-  
15          state compact to the Legislature and Secretary of  
16          State; providing for submission of the tribal-state  
17          compact to the Secretary of the Interior; amending s.  
18          26 of chapter 2009-170, Laws of Florida, relating to  
19          the effective date of a prior act of the Legislature  
20          relating to gaming; conforming provisions to changes  
21          made by the act; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25        Section 1. It is the intent of the Legislature to review  
26 any tribal-state gaming compact executed between the Governor  
27 and the Seminole Tribe of Florida. It is further the intent of  
28 the Legislature to ratify the compact if it is in the best  
29 interests of the people of the State of Florida.

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30 Section 2. Subsection (2) of section 285.710, Florida  
31 Statutes, is amended to read:

32 285.710 Compact authorization.—

33 (2) (a) The agreement executed by the Governor and the  
34 Seminole Tribe of Florida on November 14, 2007, published in the  
35 Federal Register on January 7, 2008, and subsequently  
36 invalidated by the Florida Supreme Court in the case of *Florida*  
37 *House of Representatives, et al. v. The Honorable Charles J.*  
38 *Crist, Jr., etc.*, No. SC07-2154, (2008) is not ratified or  
39 approved by the Legislature and is void and is not in effect.

40 (b) The agreement executed by the Seminole Tribe of Florida  
41 and the Governor on August 28, 2009, and August 31, 2009,  
42 respectively, and transmitted to the President of the Senate and  
43 the Speaker of the House of Representatives, is not ratified or  
44 approved by the Legislature and is void and not in effect.

45 Section 3. Section 285.712, Florida Statutes, is created to  
46 read:

47 285.712 Tribal-state gaming compacts.—

48 (1) The Governor is the designated state officer  
49 responsible for negotiating and executing, on behalf of the  
50 state, tribal-state gaming compacts with federally recognized  
51 Indian tribes located within the State of Florida pursuant to  
52 the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss.  
53 1166-1168, and 25 U.S.C. s. 2701 et seq., for the purpose of  
54 authorizing class III gaming, as defined in that act, on Indian  
55 lands within this state.

56 (2) Any tribal-state compact relating to gaming activities  
57 which is entered into by an Indian tribe in this state and the  
58 Governor pursuant to subsection (1) must be conditioned upon

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59 ratification by the Legislature.

60 (3) Following completion of negotiations and execution of a  
61 compact, the Governor shall submit a copy of the executed  
62 tribal-state compact to the President of the Senate and the  
63 Speaker of the House of Representatives as soon as it is  
64 executed. To be effective, the compact must be ratified by a  
65 majority vote by both houses of the Legislature. The Governor  
66 shall file the executed compact with the Secretary of State  
67 pursuant to s. 15.01.

68 (4) Upon receipt of an act ratifying the tribal-state  
69 compact, the Secretary of State shall forward a copy of the  
70 executed compact and the ratifying act to the United States  
71 Secretary of the Interior for his or her review and approval, in  
72 accordance with 25 U.S.C. s. 2710(8)(d).

73 Section 4. Section 26 of chapter 2009-170, Laws of Florida,  
74 is amended to read:

75 Section 26. Sections 1 through 3 of this act and this  
76 section shall take effect upon becoming law. Sections 4 through  
77 25 shall take effect on the date that Senate Bill 622, 2010  
78 Regular Session, or similar legislation becomes law ~~only if the~~  
79 ~~Governor and an authorized representative of the Seminole Tribe~~  
80 ~~of Florida execute an Indian Gaming Compact pursuant to the~~  
81 ~~Indian Gaming Regulatory Act of 1988 and requirements of this~~  
82 ~~act, only if the compact is ratified by the Legislature, and~~  
83 ~~only if the compact is approved or deemed approved, and not~~  
84 ~~voided pursuant to the terms of this act, by the Department of~~  
85 ~~the Interior, and such sections take effect on the date that the~~  
86 ~~approved compact is published in the Federal Register.~~

87 Section 5. This act shall take effect upon becoming a law.