

By the Committee on Appropriations; and Senator Hutson

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1 A bill to be entitled
2 An act relating to gaming; amending s. 285.710, F.S.;
3 authorizing and directing the Governor, in cooperation
4 with the Seminole Tribe of Florida, to execute a new
5 compact in the form provided; signifying the
6 Legislature's approval and ratification of such
7 compact that does not materially alter from the
8 approved form; providing terms and conditions for the
9 gaming compact; defining terms; authorizing the Tribe
10 to operate covered games on its lands in accordance
11 with the compact and at specified facilities;
12 prohibiting specified games; providing requirements
13 for resolution of patron disputes involving gaming,
14 tort claims, and employee disputes; providing
15 requirements for regulation and enforcement of the
16 compact; requiring the state to conduct random
17 inspections of tribal facilities; authorizing the
18 state to conduct an independent audit; requiring the
19 Tribe and commission to comply with specified
20 licensing and hearing requirements; requiring the
21 Tribe to make specified revenue share payments to the
22 state, with reductions authorized under certain
23 circumstances; requiring the Tribe to pay an annual
24 oversight assessment and annual donation to the
25 Florida Council on Compulsive Gaming; specifying that
26 certain events do not trigger any remedy under the
27 compact or affect the exclusivity provisions of the
28 compact; providing for dispute resolution between the
29 Tribe and the state; providing construction; providing

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30 requirements for notice under the compact; providing
31 an effective date and termination of the compact;
32 providing for execution of the compact; amending s.
33 285.712, F.S.; requiring the Governor to provide a
34 copy of the executed compact to specified parties and
35 direct the Secretary of State to forward a copy to the
36 Secretary of the Interior; creating s. 546.13, F.S.;
37 defining terms; exempting a fantasy contest from
38 certain regulations; amending s. 550.01215, F.S.;
39 revising application requirements for a pari-mutuel
40 operating license; authorizing certain greyhound
41 racing permitholders elect not to conduct live racing
42 if such election is made within a specified period of
43 time; providing that a greyhound racing permitholder
44 that has been issued a slot machine license remains an
45 eligible facility, continues to be eligible for a slot
46 machine license, is exempt from certain provisions of
47 ch. 551, F.S., is eligible to be a guest track for
48 certain purposes, and remains eligible for a cardroom
49 license; authorizing a greyhound racing permitholder
50 to receive an operating license to conduct pari-mutuel
51 wagering activities at another permitholder's
52 greyhound racing facility; authorizing certain jai
53 alai permitholders, harness horse racing
54 permitholders, and quarter horse racing permitholders
55 to elect not to conduct live racing or games if the
56 election is made by a specified date; specifying that
57 such permitholder may retain its permit and remains a
58 pari-mutuel facility; specifying that, if such

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59 permitholder has been issued a slot machine license,
60 the permitholder's facility remains an eligible
61 facility, continues to be eligible for a slot machine
62 license, is exempt from certain provisions of chs. 550
63 and 551, F.S., is eligible to be a guest track, and if
64 the permitholder is a harness horse racing
65 permitholder, a host track for intertrack wagering and
66 simulcasting, and remains eligible for a cardroom
67 license; authorizing a harness horse racing
68 permitholder to be a host track for purposes of
69 intertrack wagering and simulcasting; authorizing the
70 division to approve a change in racing dates for a
71 permitholder if the request for a change is received
72 before a specified date and under certain
73 circumstances; amending s. 550.054, F.S.; requiring
74 the Division of Pari-Mutuel Wagering to revoke a
75 permit to conduct pari-mutuel wagering for a
76 permitholder that fails to make specified payments or
77 obtain an operating license; prohibiting the issuance
78 of new permits; deleting provisions related to the
79 conversion of permits; repealing s. 550.0745, F.S.,
80 relating to conversion of a pari-mutuel permit to a
81 summer jai alai permit; amending ss. 550.09512 and
82 550.09515, F.S.; requiring the division to revoke the
83 permit of a harness horse or thoroughbred racing
84 permitholder, respectively, who does not pay tax on
85 handle for a specified period of time; deleting
86 provisions relating to the reissuance of escheated
87 permits; amending s. 550.3345, F.S.; revising

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88 provisions relating to a limited thoroughbred racing
89 permit previously converted from a quarter horse
90 racing permit; amending s. 550.6308, F.S.; revising
91 the number of days of thoroughbred horse sales
92 required for an applicant to obtain a limited
93 intertrack wagering license; revising eligibility
94 requirements for such licenses; revising requirements
95 for such wagering; deleting provisions requiring a
96 licensee to make certain payments to the daily pari-
97 mutuel pool; amending s. 551.102, F.S.; revising
98 definitions; amending s. 551.104, F.S.; revising
99 conditions of licensure and conditions for maintaining
100 authority to conduct slot machine gaming; requiring
101 certain permitholders to remit certain revenues to
102 qualified thoroughbred permitholders; requiring
103 qualified thoroughbred permitholders to use such
104 payments for certain purposes; defining the term
105 "qualified thoroughbred permitholder"; providing a
106 process for remitting such payments; requiring
107 qualified thoroughbred permitholders receiving such
108 funds to remit a specified percentage of the funds to
109 a specified association; amending s. 551.106, F.S.;
110 deleting obsolete provisions; revising the tax rate on
111 slot machine revenue effective on specified dates;
112 providing a formula to calculate a surcharge amount;
113 prohibiting the surcharge from exceeding a certain
114 amount; revising where slot machine revenue tax
115 payments must be deposited; requiring that certain
116 funds be used for specific purposes; requiring certain

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117 permitholders and licensees to pay a slot machine
118 guarantee fee if certain taxes and fees paid to the
119 state during certain periods fall below a specified
120 amount; amending s. 551.114, F.S.; revising the
121 maximum number of slot machines slot machine licensees
122 may make available for play; revising the areas where
123 a designated slot machine gaming area may be located;
124 amending s. 551.116, F.S.; deleting a restriction on
125 the number of hours per day that slot machine gaming
126 areas may be open; amending s. 849.086, F.S.; revising
127 legislative intent; revising definitions; authorizing
128 the division to establish a reasonable period to
129 respond to certain requests from a licensed cardroom;
130 providing that the division must approve certain
131 requests within 45 days; requiring the division to
132 review and approve or reject certain revised internal
133 controls or revised rules within 10 days after
134 submission; deleting provisions relating to the
135 renewal of a cardroom license; deleting provisions
136 relating to restrictions on hours of operation; making
137 technical changes; authorizing certain cardroom
138 operators to offer a certain number of certain
139 designated player games; requiring the designated
140 player and employees of the designated player to be
141 licensed; requiring the designated player to pay
142 certain fees; prohibiting a cardroom operator from
143 serving as the designated player in a game and from
144 having a financial interest in a designated player;
145 authorizing a cardroom operator to collect a rake,

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146 subject to certain requirements; requiring the dealer
147 button to be rotated under certain circumstances;
148 prohibiting a cardroom operator from allowing a
149 designated player to pay an opposing player under
150 certain circumstances; prohibiting the rules of the
151 game or of the cardroom to require a designated player
152 to cover more than 10 times the maximum wager for
153 players participating in any one game; prohibiting a
154 cardroom or cardroom licensee from contracting with or
155 receiving certain compensation from a player to allow
156 that player to participate in any game as a designated
157 player; requiring certain permitholders with a
158 cardroom license to remit a certain amount of its
159 monthly gross receipts to qualified thoroughbred
160 permitholders; requiring qualified thoroughbred
161 holders to use such payments for certain purposes;
162 defining the term "qualified thoroughbred
163 permitholder"; providing a process for remitting such
164 payments; requiring qualified thoroughbred
165 permitholders receiving such funds to remit a
166 specified percentage of the funds to a specified
167 association; deleting a provision relating to the
168 renewal or issuance of a cardroom license to a quarter
169 horse racing permitholder; conforming a cross-
170 reference; amending s. 849.16, F.S.; revising the
171 definition of the term "slot machine or device";
172 providing a directive to the Division of Law Revision
173 and Information; providing an effective date.
174

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

176
177 Section 1. Paragraph (a) of subsection (1) and subsection
178 (3) of section 285.710, Florida Statutes, are amended to read:
179 285.710 Compact authorization.—

180 (1) As used in this section, the term:

181 (a) "Compact" means the Gaming Compact between the Seminole
182 Tribe of Florida and the State of Florida, ~~executed on April 7,~~
183 ~~2010.~~

184 (3) (a) The Gaming Compact between the Seminole Tribe of
185 Florida and the State of Florida, executed by the Governor and
186 the Tribe on April 7, 2010, was is ratified and approved by
187 chapter 2010-29, Laws of Florida. ~~The Governor shall cooperate~~
188 ~~with the Tribe in seeking approval of the compact from the~~
189 ~~United States Secretary of the Interior.~~

190 (b) The Governor, on behalf of this state, is hereby
191 authorized and directed to execute a new compact with the Tribe
192 as set forth in paragraph (c), and the Legislature hereby
193 signifies in advance its approval and ratification of such
194 compact, provided that it is identical to the compact set forth
195 in paragraph (c) and becomes effective on or before January 1,
196 2019. The Governor shall cooperate with the Tribe in seeking
197 approval of such compact ratified and approved under this
198 paragraph from the Secretary of the Department of the Interior.
199 Upon becoming effective, such compact supersedes the Gaming
200 Compact ratified and approved under paragraph (a), which shall
201 then become null and void.

202 (c) The Legislature hereby approves and ratifies the
203 following Gaming Compact between the State of Florida and the

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204 Seminole Tribe of Florida, provided that such compact becomes
205 effective on or before January 1, 2019:

206
207 Gaming Compact Between the Seminole Tribe of Florida
208 and the State of Florida

209
210 This compact is made and entered into by and between the
211 Seminole Tribe of Florida and the State of Florida, with respect
212 to the operation of covered games, as defined herein, on the
213 Tribe's Indian lands, as defined by the Indian Gaming Regulatory
214 Act, 25 U.S.C. ss. 2701 et seq.

215
216 PART I

217
218 TITLE.—This document shall be referred to as the "Gaming
219 Compact between the Seminole Tribe of Florida and the State of
220 Florida."

221
222 PART II

223
224 LEGISLATIVE FINDINGS.—

225 (1) The Seminole Tribe of Florida is a federally recognized
226 tribal government that possesses sovereign powers and rights of
227 self-government.

228 (2) The State of Florida is a state of the United States of
229 America that possesses the sovereign powers and rights of a
230 state.

231 (3) The State of Florida and the Seminole Tribe of Florida
232 maintain a government-to-government relationship.

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233 (4) The United States Supreme Court has long recognized the
234 right of an Indian Tribe to regulate activity on lands within
235 its jurisdiction, but the United States Congress, through the
236 Indian Gaming Regulatory Act, has given states a role in the
237 conduct of tribal gaming in accordance with negotiated tribal-
238 state compacts.

239 (5) Pursuant to the Seminole Tribe Amended Gaming
240 Ordinance, adopted by Resolution No. C-195-06, and approved by
241 the Chairman of the National Indian Gaming Commission on July
242 10, 2006, hereafter referred to as the "Seminole Tribal Gaming
243 Code," the Seminole Tribe of Florida desires to offer the play
244 of covered games, as defined in Part III, as a means of
245 generating revenues for purposes authorized by the Indian Gaming
246 Regulatory Act, including, without limitation, the support of
247 tribal governmental programs, such as health care, housing,
248 sewer and water projects, police, fire suppression, general
249 assistance for tribal elders, day care for children, economic
250 development, educational opportunities, per capita payments to
251 tribal members, and other typical and valuable governmental
252 services and programs for tribal members.

253 (6) This compact is the only gaming compact between the
254 Tribe and the state. This compact supersedes the Gaming Compact
255 between the Tribe and the state executed on or about April 7,
256 2010, which was subsequently ratified by the Legislature and
257 went into effect on or about July 6, 2010.

258 (7) It is in the best interests of the Seminole Tribe of
259 Florida and the State of Florida for the state to enter into a
260 compact with the Tribe that recognizes the Tribe's right to
261 offer certain Class III gaming and provides substantial

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262 exclusivity of such activities in conjunction with a reasonable
263 revenue sharing arrangement between the Tribe and the state that
264 will entitle the state to significant revenue participation.

265
266 PART III

267
268 DEFINITIONS.—As used in this compact, the term:

269 (1) "Annual oversight assessment" means the amount owed by
270 the Tribe to the state for reimbursement for the actual and
271 reasonable costs incurred by the state compliance agency to
272 perform the monitoring functions set forth under the compact.

273 (2) "Class II video bingo terminals" means any electronic
274 aid to a Class II bingo game that includes a video spinning reel
275 or mechanical spinning reel display.

276 (3) "Class III gaming" means the forms of Class III gaming
277 defined in 25 U.S.C. s. 2703(8) and by the regulations of the
278 National Indian Gaming Commission, as of January 1, 2018.

279 (4) "Commission" means the Seminole Tribal Gaming
280 Commission, which is the tribal governmental agency that has the
281 authority to carry out the Tribe's regulatory and oversight
282 responsibilities under this compact.

283 (5) "Compact" means this Gaming Compact between the
284 Seminole Tribe of Florida and the State of Florida.

285 (6) "Covered game" or "covered gaming activity" means the
286 following Class III gaming activities:

287 (a) Slot machines, which may use spinning reels, video
288 displays, or both, and which machines must meet all of the
289 following requirements:

290 1. Any mechanical or electrical contrivance, terminal that

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291 may or may not be capable of downloading slot games from a
292 central server system, machine, or other device.

293 2. Require, for play or operation, the insertion of a coin,
294 bill, ticket, token, or similar object, or payment of any
295 consideration whatsoever, including the use of any electronic
296 payment system, except a credit card or debit card, unless state
297 law authorizes the use of an electronic payment system that uses
298 a credit or debit card payment, in which case the Tribe is
299 authorized to use such payment system.

300 3. Are available to play or operate, the play or operation
301 of which, whether by reason of skill or application of the
302 element of chance or both, may deliver or entitle the person or
303 persons playing or operating the contrivance, terminal, machine,
304 or other device to receive cash, billets, tickets, tokens, or
305 electronic credits to be exchanged for cash or to receive
306 merchandise or anything of value whatsoever, whether the payoff
307 is made automatically from the machine or manually.

308 4. Include associated equipment necessary to conduct the
309 operation of the contrivance, terminal, machine, or other
310 device.

311 (b) Banking or banked card games, such as baccarat, chemin
312 de fer, and blackjack or 21.

313 (c) Raffles and drawings.

314 (d) Live table games.

315 (e) Any new game, if expressly authorized by the
316 Legislature pursuant to legislation enacted subsequent to the
317 effective date of this compact and lawfully conducted by any
318 person for any purpose pursuant to such authorization.

319 (7) "Covered game employee" or "covered employee" means an

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320 individual employed and licensed by the Tribe whose
321 responsibilities include the rendering of services with respect
322 to the operation, maintenance, or management of covered games,
323 including, but not limited to, managers and assistant managers;
324 accounting personnel; commission officers; surveillance and
325 security personnel; cashiers, supervisors, and floor personnel;
326 cage personnel; and any other employee whose employment duties
327 require or authorize access to areas of the facility related to
328 the conduct of covered games or the technical support or storage
329 of covered game components. The term does not include the
330 Tribe's elected officials, provided that such individuals are
331 not directly involved in the operation, maintenance, or
332 management of covered games or covered games components.

333 (8) "Documents" means books, records, electronic, magnetic,
334 and computer media documents, and other writings and materials,
335 copies of such documents and writings, and information contained
336 in such documents and writings.

337 (9) "Effective date" means the date on which the compact
338 becomes effective pursuant to subsection (1) of Part XVI.

339 (10) "Electronic bingo machine" means a card minding
340 device, which may only be used in connection with a bingo game
341 as defined in s. 849.0931(1)(a), Florida Statutes, which is
342 certified in advance by an independent testing laboratory
343 approved by the Division of Pari-Mutuel Wagering as a bingo aid
344 device that meets all of the following requirements:

345 (a) Aids a bingo game player by:

346 1. Storing in the memory of the device not more than three
347 bingo faces of tangible bingo cards as defined by s.
348 849.0931(1)(b), Florida Statutes, purchased by a player.

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349 2. Comparing the numbers drawn and individually entered
350 into the device by the player to the bingo faces previously
351 stored in the memory of the device.

352 3. Identifying preannounced winning bingo patterns marked
353 or covered on the stored bingo faces.

354 (b) Is not capable of accepting or dispensing any coins,
355 currency, or tokens.

356 (c) Is not capable of monitoring any bingo card face other
357 than the faces of the tangible bingo card or cards purchased by
358 the player for that game.

359 (d) Is not capable of displaying or representing the game
360 result through any means other than highlighting the winning
361 numbers marked or covered on the bingo card face or giving an
362 audio alert that the player's card has a prize-winning pattern.
363 No casino game graphics, themes, or titles, including, but not
364 limited to, depictions of slot machine-style symbols, cards,
365 craps, roulette, or lottery may be used.

366 (e) Is not capable of determining the outcome of any game.

367 (f) Does not award progressive prizes of more than \$2,500.

368 (g) Does not award prizes exceeding \$1,000, other than
369 progressive prizes not exceeding \$2,500.

370 (h) Does not contain more than one player position for
371 playing bingo.

372 (i) Does not contain or does not link to more than one
373 video display.

374 (j) Awards prizes based solely on the results of the bingo
375 game, with no additional element of chance.

376 (11) "Facility" means a building or buildings of the Tribe
377 in which the covered games authorized by this compact are

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378 conducted.

379 (12) "Guaranteed minimum compact term payment" means a
380 minimum total payment for the guarantee payment period of \$3
381 billion, which shall include all revenue share payments during
382 the guarantee payment period.

383 (13) "Guarantee payment period" means the seven-year period
384 beginning July 1, 2018, and ending June 30, 2025.

385 (14) "Guaranteed revenue sharing cycle payment" means the
386 payments as provided in Part XI.

387 (15) "Historic racing machine" means an individual historic
388 race terminal linked to a central server as part of a network-
389 based video game, where the terminals allow pari-mutuel wagering
390 by players on the results of previously conducted horse or
391 greyhound races, but only if the game is certified in advance by
392 an independent testing laboratory approved by the Division of
393 Pari-Mutuel Wagering as complying with all of the following
394 requirements:

395 (a) Stores all data on previously conducted horse or
396 greyhound races in a secure format on the central server, which
397 is located at the pari-mutuel facility.

398 (b) Uses only horse or greyhound races that were recorded
399 at licensed pari-mutuel facilities in the United States after
400 January 1, 2000.

401 (c) Offers one or more of the following three bet types on
402 all historic racing machines: win-place-show, quinella, or tri-
403 fecta.

404 (d) Offers one or more of the following racing types:
405 thoroughbreds, harness, or greyhounds.

406 (e) Does not award progressive prizes of more than \$2,500.

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407 (f) Does not award prizes exceeding \$1,000, other than
408 progressive prizes not exceeding \$2,500.

409 (g) After each wager is placed, displays a video of at
410 least the final eight seconds of the horse or greyhound race
411 before any prize is awarded or indicated on the historic racing
412 machine.

413 (h) The display of the video of the horse or greyhound race
414 occupies at least 70 percent of the historic racing machine's
415 video screen and does not contain and is not linked to more than
416 one video display.

417 (i) Does not use casino game graphics, themes, or titles,
418 including but not limited to, depictions of slot machine-style
419 symbols, cards, craps, roulette, lottery, or bingo.

420 (j) Does not use video or mechanical reel displays.

421 (k) Does not contain more than one player position for
422 placing wagers.

423 (l) Does not dispense coins, currency, or tokens.

424 (m) Awards prizes solely on the results of a previously
425 conducted horse or greyhound race with no additional element of
426 chance.

427 (n) Uses a random number generator to select the race from
428 the central server to be displayed to the player and the numbers
429 or other designations of race entrants that will be used in the
430 various bet types for any "Quick Pick" bets. To prevent an
431 astute player from recognizing the race based on the entrants
432 and thus knowing the results before placing a wager, the
433 entrants of the race may not be identified until after all
434 wagers for that race have been placed.

435 (16) "Indian Gaming Regulatory Act" means the Indian Gaming

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436 Regulatory Act, Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467,
437 codified at 25 U.S.C. ss. 2701 et seq. and 18 U.S.C. ss. 1166 to
438 1168.

439 (17) "Indian lands" means the lands defined in 25 U.S.C. s.
440 2703(4).

441 (18) "Initial payment period" means the period beginning on
442 the effective date of the compact and ending on June 30, 2018.

443 (19) "Live table games" means dice games, such as craps,
444 sic-bo and any similar variations thereof, and wheel games, such
445 as roulette, big six, and any similar variations thereof, but
446 not including any game that is authorized as a slot machine,
447 banking or banked card game, raffle, or drawing.

448 (20) "Lottery vending machine" means any of the following
449 four types of machines:

450 (a) A machine that dispenses pre-printed paper instant
451 lottery tickets, but that does not read or reveal the results of
452 the ticket or allow a player to redeem any ticket. The machine,
453 or any machine or device linked to the machine, does not include
454 or make use of video reels or mechanical reels or other video
455 depictions of slot machine or casino game themes or titles for
456 game play, but does not preclude the use of casino game themes
457 or titles on such tickets or signage or advertising displays on
458 the machines.

459 (b) A machine that dispenses pre-determined electronic
460 instant lottery tickets and displays an image of the ticket on a
461 video screen on the machine, where the player touches the image
462 of the ticket on the video screen to reveal the outcome of the
463 ticket, provided the machine does not permit a player to redeem
464 winnings, does not make use of video reels or mechanical reels,

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465 and does not simulate the play of any casino game, and the
466 lottery retailer is paid the same amount as would be paid for
467 the sale of paper instant lottery tickets.

468 (c) A machine that dispenses a paper lottery ticket with
469 numbers selected by the player or randomly by the machine, but
470 does not reveal the winning numbers. Such winning numbers are
471 selected at a subsequent time and different location through a
472 drawing conducted by the state lottery. The machine, or any
473 machine or device linked to the machine, does not include or
474 make use of video reels or mechanical reels or other video
475 depictions of slot machine or casino game themes or titles for
476 game play. The machine is not used to redeem a winning ticket.
477 This does not preclude the use of casino game themes, titles for
478 signage, or advertising displays on the machine.

479 (d) A point-of-sale system to sell tickets for draw lottery
480 games at gasoline pumps at retail fuel stations, provided the
481 system dispenses a paper lottery receipt after the purchaser
482 uses a credit card or debit card to purchase the ticket;
483 processes transactions through a platform that is certified or
484 otherwise approved by the Florida Lottery; does not directly
485 dispense money or permit payment of winnings at the point-of-
486 sale terminal; and does not include or make use of video reels
487 or mechanical reels or other slot machine or casino game themes
488 or titles.

489 (21) "Monthly payment" means the monthly revenue share
490 payment which the Tribe remits to the state on the 15th day of
491 the month following each month of the revenue sharing cycle.

492 (22) "Net revenue base" means the net win for the 12 month
493 period immediately preceding the offering of, for public or

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494 private use, Class III or other casino-style gaming at any of
495 the licensed pari-mutuel facilities in Broward and Miami-Dade
496 Counties, except that if the commencement of such new gaming is
497 made during the initial payment period, "net revenue base" means
498 net win for the 12-month period immediately preceding this
499 compact.

500 (23) "Net win" means the total receipts from the play of
501 all covered games less all prize payouts and free play or
502 promotional credits issued by the Tribe.

503 (24) "Pari-mutuel wagering activities" means those
504 activities authorized on January 1, 2018, by chapter 550, which
505 do not include any casino-style game or device that include
506 video reels or mechanical reels or other slot machine or casino
507 game themes or titles.

508 (25) "Patron" means any person who is on the premises of a
509 facility, or who enters the Tribe's Indian lands for the purpose
510 of playing covered games authorized by this compact.

511 (26) "Regular payment period" means the period beginning on
512 July 1, 2025, and terminating at the end of the term of this
513 compact.

514 (27) "Revenue share payment" means the periodic payment by
515 the Tribe to the state provided for in Part XI.

516 (28) "Revenue sharing cycle" means the annual 12-month
517 period of the Tribe's operation of covered games in its
518 facilities beginning on July 1 of each fiscal year, except for
519 during the initial payment period, when the first revenue
520 sharing cycle begins on July 1 of the previous year, and the
521 Tribe receives a credit for any amount paid to the state under
522 the 2010 Compact for that revenue sharing cycle.

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523 (29) "Rules and regulations" means the rules and
524 regulations promulgated by the commission for implementation of
525 this compact.

526 (30) "State" means the State of Florida.

527 (31) "State compliance agency" means the state agency
528 designated by the Florida Legislature that has the authority to
529 carry out the state's oversight responsibilities under this
530 compact.

531 (32) "Tribe" means the Seminole Tribe of Florida or any
532 affiliate thereof conducting activities pursuant to this compact
533 under the authority of the Seminole Tribe of Florida.

534
535 PART IV

536
537 AUTHORIZATION AND LOCATION OF COVERED GAMES.—

538 (1) The Tribe and state agree that the Tribe is authorized
539 to operate covered games on its Indian lands, as defined in the
540 Indian Gaming Regulatory Act, in accordance with the provisions
541 of this compact. Nothing in the compact is intended to prohibit
542 the Tribe from operating slot machines that employ video or
543 mechanical displays of roulette, wheels, or other table game
544 themes. Except for the provisions in subsection (1) of Part XI,
545 nothing in this compact shall limit the Tribe's right to operate
546 any Class II gaming under the Indian Gaming Regulatory Act.

547 (2) The Tribe is authorized to conduct covered games under
548 this compact only at the following seven existing facilities,
549 which may be expanded or replaced as provided in subsection (3)
550 on Indian lands:

551 (a) Seminole Indian Casino-Brighton in Okeechobee, FL.

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552 (b) Seminole Indian Casino-Coconut Creek in Coconut Creek,
553 FL.

554 (c) Seminole Indian Casino-Hollywood in Hollywood, FL.

555 (d) Seminole Indian Casino-Immokalee in Immokalee, FL.

556 (e) Seminole Indian Casino-Big Cypress in Clewiston, FL.

557 (f) Seminole Hard Rock Hotel & Casino-Hollywood in
558 Hollywood, FL.

559 (g) Seminole Hard Rock Hotel & Casino-Tampa in Tampa, FL.

560 (3) Any of the facilities existing on Indian lands
561 identified in subsection (2) may be expanded or replaced by
562 another facility on the same Indian lands with at least 60 days'
563 advance notice to the state.

564

565 PART V

566

567 RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR
568 OPERATIONS.-

569 (1) At all times during the term of this compact, the Tribe
570 shall be responsible for all duties that are assigned to it and
571 the commission under this compact. The Tribe shall promulgate
572 any rules necessary to implement this compact, which, at a
573 minimum, shall expressly include or incorporate by reference all
574 provisions of Parts V, VI, VII, and VIII. Nothing in this
575 compact shall be construed to affect the Tribe's right to amend
576 its rules, provided that any such amendment is in conformity
577 with this compact. The state compliance agency may propose
578 additional rules consistent with and related to the
579 implementation of this compact to the commission at any time,
580 and the commission shall give good faith consideration to such

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581 proposed rules and shall notify the state compliance agency of
582 its response or action with respect to such rules.

583 (2) All facilities shall comply with, and all covered games
584 approved under this compact shall be operated in accordance
585 with, the requirements set forth in this compact, including, but
586 not limited to, the requirements set forth in subsections (3)
587 and (4) and the Tribe's Internal Control Policies and
588 Procedures. In addition, all facilities and all covered games
589 shall be operated in strict compliance with tribal internal
590 control standards that provide a level of control that equals or
591 exceeds those set forth in the National Indian Gaming
592 Commission's Minimum Internal Control Standards, 25 C.F.R. part
593 542 (2015), even if the 2015 regulations are determined to be
594 invalid or are subsequently withdrawn by the National Indian
595 Gaming Commission. The Tribe may amend or supplement its
596 internal control standards from time to time, provided that such
597 changes continue to provide a level of control that equals or
598 exceeds those set forth in 25 C.F.R. part 542 (2015).

599 (3) The Tribe and the commission shall retain all documents
600 in compliance with the requirements set forth in the Tribe's
601 Record Retention Policies and Procedures.

602 (4) The Tribe shall continue and maintain its program to
603 combat problem gambling and curtail compulsive gambling and work
604 with the Florida Council on Compulsive Gambling or other
605 organizations dedicated to assisting problem gamblers. The Tribe
606 shall continue to maintain the following safeguards against
607 problem gambling:

608 (a) The Tribe shall provide to every new gaming employee a
609 comprehensive training and education program designed in

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610 cooperation with the Florida Council on Compulsive Gambling or
611 other organization dedicated to assisting problem gamblers.

612 (b) The Tribe shall make printed materials available to
613 patrons, which include contact information for the Florida
614 Council on Compulsive Gambling 24-hour helpline or other hotline
615 dedicated to assisting problem gamblers, and will work with the
616 Florida Council on Compulsive Gambling or other organization
617 dedicated to assisting problem gamblers to provide contact
618 information for the Florida Council on Compulsive Gambling or
619 other organization dedicated to assisting problem gamblers, and
620 to provide such information on the facility's website. The Tribe
621 shall continue to display within the facilities all literature
622 from the Florida Council on Compulsive Gambling or other
623 organization dedicated to assisting problem gamblers.

624 (c)1. The commission shall establish a list of patrons
625 voluntarily excluded from the Tribe's facilities, pursuant to
626 subparagraph 3.

627 2. The Tribe shall employ its best efforts to exclude
628 patrons on such list from entry into its facilities; provided
629 that nothing in this compact shall create for patrons who are
630 excluded but gain access to the facilities, or any other person,
631 a cause of action or claim against the state, the Tribe or the
632 commission, or any other person, entity, or agency for failing
633 to enforce such exclusion.

634 3. Patrons who believe they may be compulsively playing
635 covered games may request that their names be placed on the list
636 of patrons voluntarily excluded from the Tribe's facilities.

637 (d) All covered game employees shall receive training on
638 identifying compulsive gamblers and shall be instructed to ask

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639 such persons to leave. The facility shall make available signs
640 bearing a toll-free help-line number and educational and
641 informational materials at conspicuous locations and automated
642 teller machines in each facility, which materials aim at the
643 prevention of problem gaming and which specify where patrons may
644 receive counseling or assistance for gambling problems. All
645 covered games employees shall also be screened by the Tribe for
646 compulsive gambling habits. Nothing in this subsection shall
647 create for patrons, or any other person, a cause of action or
648 claim against the state, the Tribe or the commission, or any
649 other person, entity, or agency for failing to identify a patron
650 or person who is a compulsive gambler or ask that person to
651 leave.

652 (e) The Tribe shall follow the rules for exclusion of
653 patrons set forth in the Seminole Tribal Gaming Code.

654 (f) The Tribe shall make diligent efforts to prevent
655 underage individuals from loitering in the area of each facility
656 where the covered games take place.

657 (g) The Tribe shall ensure that any advertising and
658 marketing of covered games at the facilities contains a
659 responsible gambling message and a toll-free help-line number
660 for problem gamblers, where practical, and that such advertising
661 and marketing make no false or misleading claims.

662 (5) The state may secure an annual independent audit of the
663 conduct of covered games subject to this compact, as set forth
664 in Part VIII.

665 (6) The facility shall visibly display summaries of the
666 rules for playing covered games and promotional contests and
667 shall make available complete sets of rules upon request. The

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668 Tribe shall provide copies of all such rules to the state
669 compliance agency within 30 calendar days after issuance or
670 amendment.

671 (7) The Tribe shall provide the commission and state
672 compliance agency with a chart of the supervisory lines of
673 authority with respect to those directly responsible for the
674 conduct of covered games, and shall promptly notify those
675 agencies of any material changes to the chart.

676 (8) The Tribe shall continue to maintain proactive
677 approaches to prevent improper alcohol sales, drunk driving,
678 underage drinking, and underage gambling. These approaches shall
679 involve intensive staff training, screening and certification,
680 patron education, and the use of security personnel and
681 surveillance equipment in order to enhance patrons' enjoyment of
682 the facilities and provide for patron safety.

683 (a) Staff training includes specialized employee training
684 in nonviolent crisis intervention, driver license verification,
685 and detection of intoxication.

686 (b) Patron education shall be carried out through notices
687 transmitted on valet parking stubs, posted signs in the
688 facilities, and in brochures.

689 (c) Roving and fixed security officers, along with
690 surveillance cameras, shall assist in the detection of
691 intoxicated patrons, investigate problems, and engage with
692 patrons to deescalate volatile situations.

693 (d) To help prevent alcohol-related crashes, the Tribe will
694 continue to operate the "Safe Ride Home Program," a free taxi
695 service.

696 (e) The Tribe shall maintain these programs and policies in

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697 its Alcohol Beverage Control Act for the duration of the compact
698 but may replace such programs and policies with stricter or more
699 extensive programs and policies. The Tribe shall provide the
700 state with written notice of any changes to the Tribe's Alcohol
701 Beverage Control Act, which notice shall include a copy of such
702 changes and shall be sent on or before the effective date of the
703 change. Nothing in this subsection shall create for patrons, or
704 any other person, a cause of action or claim against the state,
705 the Tribe or the commission, or any other person, entity, or
706 agency for failing to fulfill the requirements of this
707 subsection.

708 (9) A person under 21 years of age may not play covered
709 games, unless otherwise permitted by state law.

710 (10) The Tribe may establish and operate facilities that
711 operate covered games only on its Indian lands as defined by the
712 Indian Gaming Regulatory Act and as specified in Part IV.

713 (11) The commission shall keep a record of, and shall
714 report at least quarterly to the state compliance agency, the
715 number of covered games in each facility, by the name or type of
716 each game and its identifying number.

717 (12) The Tribe and the commission shall make available, to
718 any member of the public upon request, within 10 business days,
719 a copy of the National Indian Gaming Commission's Minimum
720 Internal Control Standards, 25 C.F.R. part 542 (2015), the
721 Seminole Tribal Gaming Code, this compact, the rules of each
722 covered game operated by the Tribe, and the administrative
723 procedures for addressing patron tort claims under Part VI.

724

725

PART VI

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726

727 PATRON DISPUTES, WORKERS' COMPENSATION, TORT CLAIMS; PRIZE
728 CLAIMS; LIMITED CONSENT TO SUIT.-

729 (1) All patron disputes involving gaming shall be resolved
730 in accordance with the procedures established in the Seminole
731 Tribal Gaming Code.

732 (2) Tort claims by employees of the Tribe's facilities will
733 be handled pursuant to the provisions of the Tribe's Workers'
734 Compensation Ordinance, which shall provide workers the same or
735 better protections as provided in state workers' compensation
736 laws.

737 (3) Disputes involving employees of the Tribe's facilities
738 will be handled pursuant to the provisions of the Tribe's policy
739 for gaming employees, as set forth in the Employee Fair
740 Treatment and Dispute Resolution Policy.

741 (4) A patron who claims to have been injured after the
742 effective date of the compact at one of the Tribe's facilities
743 in which covered games are played is required to provide written
744 notice to the Tribe's Risk Management Department or the
745 facility, in a reasonable and timely manner, but no longer than
746 three years after the date of the incident giving rise to the
747 claimed injury, or the claim shall be forever barred.

748 (5) The Tribe shall have 30 days to respond to a claim made
749 by a patron. If the Tribe fails to respond within 30 days, the
750 patron may file suit against the Tribe. When the Tribe responds
751 to an incident alleged to have caused a patron's injury or
752 illness, the Tribe shall provide a claim form to the patron. The
753 form must include the address for the Tribe's Risk Management
754 Department and provide notice of the Tribe's administrative

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755 procedures for addressing patron tort claims, including notice
756 of the relevant deadlines that may bar such claims if the
757 Tribe's administrative procedures are not followed. It is the
758 patron's responsibility to complete the form and forward the
759 form to the Tribe's Risk Management Department within a
760 reasonable period of time, and in a reasonable and timely
761 manner. Nothing herein shall interfere with any claim a patron
762 might have arising under the Federal Tort Claim Act.

763 (6) Upon receiving written notification of the claim, the
764 Tribe's Risk Management Department shall forward the
765 notification to the Tribe's insurance carrier. The Tribe shall
766 use its best efforts to ensure that the insurance carrier
767 contacts the patron within a reasonable period of time after
768 receipt of the claim.

769 (7) The insurance carrier shall handle the claim to
770 conclusion. If the patron, Tribe, and insurance carrier are not
771 able to resolve the claim in good faith within one year after
772 the patron provided written notice to the Tribe's Risk
773 Management Department or the facility, the patron may bring a
774 tort claim against the Tribe in any court of competent
775 jurisdiction in the county in which the incident alleged to have
776 caused injury occurred, as provided in this compact, and subject
777 to a four-year statute of limitations, which shall begin to run
778 from the date of the incident of the injury alleged in the
779 claim. A patron's notice of injury to the Tribe pursuant to
780 subsection (4) and the fulfillment of the good faith attempt at
781 resolution pursuant to this part are conditions precedent to
782 filing suit.

783 (8) For tort claims of patrons made pursuant to subsection

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784 (4), the Tribe agrees to waive its tribal sovereign immunity to
785 the same extent as the state waives its sovereign immunity, as
786 specified in s. 768.28(1) and (5), Florida Statutes, as such
787 provision may be amended from time to time by the Legislature.
788 In no event shall the Tribe be deemed to have waived its tribal
789 immunity from suit beyond the limits set forth in s. 768.28(5),
790 Florida Statutes. These limitations are intended to include
791 liability for compensatory damages, costs, pre-judgment
792 interest, and attorney fees if otherwise allowable under state
793 law arising out of any claim brought or asserted against the
794 Tribe, its subordinate governmental and economic units, any
795 Tribal officials, employees, servants, or agents in their
796 official capacities and any entity which is owned, directly or
797 indirectly, by the Tribe. All patron tort claims brought
798 pursuant to this provision shall be brought solely against the
799 Tribe, as the sole party in interest.

800 (9) Notices explaining the procedures and time limitations
801 with respect to making a tort claim shall be prominently
802 displayed in the facilities, posted on the Tribe's website, and
803 provided to any patron for whom the Tribe has notice of the
804 injury or property damage giving rise to the tort claim. Such
805 notices shall explain:

806 (a) The method and places for making a tort claim,
807 including where the patron must submit the claim.

808 (b) That the process is the exclusive method for asserting
809 a tort claim arising under this section against the Tribe.

810 (c) That the Tribe and its insurance carrier have one year
811 from the date the patron gives notice of the claim to resolve
812 the matter, and that after that time, the patron may file suit

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813 in a court of competent jurisdiction.

814 (d) That the exhaustion of the process is a prerequisite to
815 filing a claim in state court.

816 (e) That claims that fail to follow this process shall be
817 forever barred.

818 (10) The Tribe shall maintain an insurance policy that
819 shall:

820 (a) Prohibit the insurer or the Tribe from invoking tribal
821 sovereign immunity for claims up to the limits to which the
822 state has waived sovereign immunity as set forth in s.
823 768.28(5), Florida Statutes, or its successor statute.

824 (b) Include covered claims made by a patron or invitee for
825 personal injury or property damage.

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

828 (d) Provide that any award or judgment rendered in favor of
829 a patron or invitee shall be satisfied solely from insurance
830 proceeds.

831 (11) The Tribal Council of the Seminole Tribe of Florida
832 may, in its discretion, consider claims for compensation in
833 excess of the limits of the Tribe's waiver of its sovereign
834 immunity.

835
836 PART VII

837
838 ENFORCEMENT OF COMPACT PROVISIONS.—

839 (1) The Tribe, the commission, and the state compliance
840 agency, to the extent authorized by this compact, shall be
841 responsible for regulating activities pursuant to this compact.

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842 As part of its responsibilities, the Tribe shall adopt or issue
843 standards designed to ensure that the facilities are
844 constructed, operated, and maintained in a manner that
845 adequately protects the environment and public health and
846 safety. Additionally, the Tribe and the commission shall ensure
847 that:

848 (a) Operation of the conduct of covered games is in strict
849 compliance with:

850 1. The Seminole Tribal Gaming Code.

851 2. All rules, regulations, procedures, specifications, and
852 standards lawfully adopted by the National Indian Gaming
853 Commission and the commission.

854 3. The provisions of this compact, including, but not
855 limited to, the Tribe's standards and rules.

856 (b) Reasonable measures are taken to:

857 1. Ensure the physical safety of facility patrons,
858 employees, and any other person while in the facility.

859 2. Prevent illegal activity at the facilities or with
860 regard to the operation of covered games, including, but not
861 limited to, the maintenance of employee procedures and a
862 surveillance system.

863 3. Ensure prompt notification is given, in accordance with
864 applicable law, to appropriate law enforcement authorities of
865 persons who may be involved in illegal acts.

866 4. Ensure that the construction and maintenance of the
867 facilities complies with the standards of the Florida Building
868 Code, the provisions of which the Tribe has adopted as the
869 Seminole Tribal Building Code.

870 5. Ensure adequate emergency access plans have been

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871 prepared to ensure the health and safety of all covered game
872 patrons.

873 (2) All licenses for members and employees of the
874 commission shall be issued according to the same standards and
875 terms applicable to facility employees. The commission's
876 officers shall be independent of the Tribal gaming operations,
877 and shall be supervised by and accountable only to the
878 commission. A commission officer shall be available to the
879 facility during all hours of operation upon reasonable notice,
880 and shall have immediate access to any and all areas of the
881 facility for the purpose of ensuring compliance with the
882 provisions of this compact. The commission shall investigate any
883 suspected or reported violation of this part and shall
884 officially enter into its files timely written reports of
885 investigations and any action taken thereon, and shall forward
886 copies of such investigative reports to the state compliance
887 agency within 30 calendar days after such filing. The scope of
888 such reporting shall be determined by the commission and the
889 state compliance agency as soon as practicable after the
890 effective date of this compact. Any such violations shall be
891 reported immediately to the commission, and the commission shall
892 immediately forward such reports to the state compliance agency.
893 In addition, the commission shall promptly report to the state
894 compliance agency any such violations which it independently
895 discovers.

896 (3) In order to develop and foster a positive and effective
897 relationship in the enforcement of the provisions of this
898 compact, representatives of the commission and the state
899 compliance agency shall meet at least annually to review past

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900 practices and examine methods to improve the regulatory scheme
901 created by this compact. The meetings shall take place at a
902 location mutually agreed upon by the commission and the state
903 compliance agency. The state compliance agency, before or during
904 such meetings, shall disclose to the commission any concerns,
905 suspected activities, or pending matters reasonably believed to
906 constitute violations of the compact by any person,
907 organization, or entity, if such disclosure will not compromise
908 the interest sought to be protected.

909
910 PART VIII

911
912 STATE MONITORING OF COMPACT.—

913 (1) It is the express intent of the Tribe and the state for
914 the Tribe to regulate its own gaming activities.

915 Notwithstanding, the state shall conduct random inspections as
916 provided for in this part to ensure that the Tribe is operating
917 in accordance with the terms of the compact. The state may
918 secure an annual independent audit of the conduct of covered
919 games subject to this compact and the Tribe shall cooperate with
920 such audit. The audit shall:

921 (a) Examine the covered games operated by the Tribe to
922 ensure compliance with the Tribe's Internal Control Policies and
923 Procedures and any other standards, policies, or procedures
924 adopted by the Tribe, the commission, or the National Indian
925 Gaming Commission which govern the play of covered games.

926 (b) Examine revenues in connection with the conduct of
927 covered games and include only those matters necessary to verify
928 the determination of net win and the basis and amount of the

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929 payments the Tribe is required to make to the state pursuant to
930 Part XI and as defined by this compact.

931 (2) A copy of the audit report for the conduct of covered
932 games shall be submitted to the commission and the state
933 compliance agency within 30 calendar days after completion.
934 Representatives of the state compliance agency may, upon
935 request, meet with the Tribe and its auditors to discuss the
936 audit or any matters in connection therewith; provided that such
937 discussions are limited to covered games information. The annual
938 independent audit shall be performed by an independent firm
939 selected by the state which has experience in auditing casino
940 operations, subject to the consent of the Tribe, which shall not
941 be unreasonably withheld. The Tribe shall pay for the cost of
942 the annual independent audit.

943 (3) As provided herein, the state compliance agency may
944 monitor the conduct of covered games to ensure that the covered
945 games are conducted in compliance with the provisions of this
946 compact. In order to properly monitor the conduct of covered
947 games, agents of the state compliance agency shall have
948 reasonable access, without prior notice, to all public areas of
949 the facilities related to the conduct of covered games.

950 (a) The state compliance agency may review whether the
951 Tribe's facilities are in compliance with the provisions of this
952 compact and the Tribe's rules and regulations applicable to
953 covered games and may advise on such issues as it deems
954 appropriate. In the event of a dispute or disagreement between
955 Tribal and state compliance agency regulators, the dispute or
956 disagreement shall be resolved in accordance with the dispute
957 resolution provisions of Part XIII.

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958 (b) In order to fulfill its oversight responsibilities, the
959 state compliance agency may perform on a routine basis specific
960 oversight testing procedures as set forth in paragraph (c).

961 (c)1. The state compliance agency may inspect any covered
962 games in operation at the facilities on a random basis, provided
963 that such inspections may not exceed one inspection per facility
964 per calendar month and the inspection may not exceed 16 hours
965 spread over those two consecutive days, unless the state
966 compliance agency determines that additional inspection hours
967 are needed to address the issues of substantial noncompliance,
968 provided that the state compliance agency provides the Tribe
969 with written notification of the need for additional inspection
970 hours and a written summary of the substantial noncompliance
971 issues that need to be addressed during the additional
972 inspection hours. The total number of hours of random
973 inspections and audit reviews per year may not exceed 1,600
974 hours. Inspection hours shall be calculated on the basis of the
975 actual amount of time spent by the state compliance agency
976 conducting the inspections at a facility, without accounting for
977 a multiple for the number of state compliance agency inspectors
978 or agents engaged in the inspection activities. The purpose of
979 the random inspections is to confirm that the covered games
980 function properly pursuant to the manufacturer's technical
981 standards and are conducted in compliance with the Tribe's
982 Internal Control Policies and Procedures and any other
983 standards, policies, or procedures adopted by the Tribe, the
984 commission, or the National Indian Gaming Commission which
985 govern the play of covered games. The state compliance agency
986 shall provide notice to the commission of such inspection at or

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987 before the commencement of a random inspection and a commission
988 agent may accompany the inspection.

989 2. For each facility, the state compliance agency may
990 perform one annual review of the Tribe's slot machine compliance
991 audit.

992 3. At least annually, the state compliance agency may meet
993 with the Tribe's Internal Audit Department for Gaming to review
994 internal controls and the record of violations for each
995 facility.

996 (d) The state compliance agency shall cooperate with and
997 obtain the assistance of the commission in the resolution of any
998 conflicts in the management of the facilities, and the state and
999 the Tribe shall make their best efforts to resolve disputes
1000 through negotiation whenever possible. Therefore, to foster a
1001 spirit of cooperation and efficiency, the state compliance
1002 agency and Tribe shall resolve disputes between the state
1003 compliance agency staff and commission regulators about the day-
1004 to-day regulation of the facilities through meeting and
1005 conferring in good faith. Notwithstanding, the parties may seek
1006 other relief that may be available when circumstances require
1007 such relief. In the event of a dispute or disagreement between
1008 tribal and state compliance agency regulators, the dispute or
1009 disagreement shall be resolved in accordance with the dispute
1010 resolution provisions of Part XIII.

1011 (e) The state compliance agency shall have access to each
1012 facility during the facility's operating hours only. No advance
1013 notice is required when the state compliance agency inspection
1014 is limited to public areas of the facility; however,
1015 representatives of the state compliance agency shall provide

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1016 notice and photographic identification to the commission of
1017 their presence before beginning any such inspections.

1018 (f) The state compliance agency agents, to ensure that a
1019 commission officer is available to accompany the state
1020 compliance agency agents at all times, shall provide one hour
1021 notice and photographic identification to the commission before
1022 entering any nonpublic area of a facility. Agents of the state
1023 compliance agency shall be accompanied in nonpublic areas of the
1024 facility by a commission officer.

1025 (g) Any suspected or claimed violations of this compact or
1026 law shall be directed in writing to the commission. The state
1027 compliance agency, in conducting the functions assigned them
1028 under this compact, shall not unreasonably interfere with the
1029 functioning of any facility.

1030 (4) Subject to the provisions herein, the state compliance
1031 agency may review and request copies of documents of the
1032 facility related to its conduct of covered games during normal
1033 business hours unless otherwise allowed by the Tribe. The Tribe
1034 may not refuse said inspection and copying of such documents,
1035 provided that the inspectors do not require copies of documents
1036 in such volume that it unreasonably interferes with the normal
1037 functioning of the facilities or covered games. To the extent
1038 that the Tribe provides the state with information that the
1039 Tribe claims to be confidential and proprietary, or a trade
1040 secret, the Tribe shall clearly mark such information with the
1041 following designation: "Trade Secret, Confidential, and
1042 Proprietary." If the state receives a request under chapter 119
1043 that would include such designated information, the state shall
1044 promptly notify the Tribe of such a request and the Tribe shall

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1045 promptly notify the state about its intent to seek judicial
1046 protection from disclosure. Upon such notice from the Tribe, the
1047 state may not release the requested information until a judicial
1048 determination is made. This designation and notification
1049 procedure does not excuse the state from complying with the
1050 requirements of the state's public records law, but is intended
1051 to provide the Tribe the opportunity to seek whatever judicial
1052 remedy it deems appropriate. Notwithstanding the foregoing
1053 procedure, the state compliance agency may provide copies of
1054 tribal documents to federal law enforcement and other state
1055 agencies or state consultants that the state deems reasonably
1056 necessary in order to conduct or complete any investigation of
1057 suspected criminal activity in connection with the Tribe's
1058 covered games or the operation of the facilities or in order to
1059 assure the Tribe's compliance with this compact.

1060 (5) At the completion of any state compliance agency
1061 inspection or investigation, the state compliance agency shall
1062 forward any written report thereof to the commission, containing
1063 all pertinent, nonconfidential, nonproprietary information
1064 regarding any violation of applicable laws or this compact which
1065 was discovered during the inspection or investigation unless
1066 disclosure thereof would adversely impact an investigation of
1067 suspected criminal activity. Nothing herein prevents the state
1068 compliance agency from contacting tribal or federal law
1069 enforcement authorities for suspected criminal wrongdoing
1070 involving the commission.

1071 (6) Except as expressly provided in this compact, nothing
1072 in this compact shall be deemed to authorize the state to
1073 regulate the Tribe's government, including the commission, or to

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1074 interfere in any way with the Tribe's selection of its
1075 governmental officers, including members of the commission.

1076
1077 PART IX

1078
1079 JURISDICTION.—The obligations and rights of the state and
1080 the Tribe under this compact are contractual in nature and are
1081 to be construed in accordance with the laws of the state. This
1082 compact does not alter tribal, federal, or state civil
1083 adjudicatory or criminal jurisdiction in any way.

1084
1085 PART X

1086
1087 LICENSING.—The Tribe and the commission shall comply with
1088 the licensing and hearing requirements set forth in 25 C.F.R.
1089 parts 556 and 558, as well as the applicable licensing and
1090 hearing requirements set forth in Articles IV, V, and VI of the
1091 Seminole Tribal Gaming Code. The commission shall notify the
1092 state compliance agency of any disciplinary hearings or
1093 revocation or suspension of licenses.

1094
1095 PART XI

1096
1097 PAYMENTS TO THE STATE OF FLORIDA.—

1098 (1) The parties acknowledge and recognize that this compact
1099 provides the Tribe with partial but substantial exclusivity and
1100 other valuable consideration consistent with the goals of the
1101 Indian Gaming Regulatory Act, including special opportunities
1102 for tribal economic development through gaming within the

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1103 external boundaries of the state with respect to the play of
1104 covered games. In consideration thereof, the Tribe covenants and
1105 agrees, subject to the conditions agreed upon in Part XII, to
1106 make payments to the state derived from net win as set forth in
1107 subsections (2) and (7). The Tribe further agrees that it will
1108 not purchase or lease any new Class II video bingo terminals or
1109 their equivalents for use at its facilities after the effective
1110 date of this compact.

1111 (2) The Tribe shall make periodic revenue share payments to
1112 the state derived from net win as set forth in this subsection,
1113 and any such payments shall be made to the state via electronic
1114 funds transfer. Of the amounts paid by the Tribe to the state,
1115 three percent shall be distributed to local governments,
1116 including both counties and municipalities, in the state
1117 affected by the Tribe's operation of covered games. Revenue
1118 share payments by the Tribe to the state shall be calculated as
1119 follows:

1120 (a) During the initial payment period, the Tribe agrees to
1121 pay the state a revenue share payment in accordance with this
1122 subparagraph.

1123 1. 13 percent of all amounts up to \$2 billion of net win
1124 received by the Tribe from the operation and play of covered
1125 games during each revenue sharing cycle;

1126 2. 17.5 percent of all amounts greater than \$2 billion up
1127 to and including \$3.5 billion of net win received by the Tribe
1128 from the operation and play of covered games during each revenue
1129 sharing cycle;

1130 3. 20 percent of all amounts greater than \$3.5 billion up
1131 to and including \$4 billion of net win received by the Tribe

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1132 from the operation and play of covered games during each revenue
1133 sharing cycle;

1134 4. 22.5 percent of all amounts greater than \$4 billion up
1135 to and including \$4.5 billion of net win received by the Tribe
1136 from the operation and play of covered games during each revenue
1137 sharing cycle; or

1138 5. 25 percent of all amounts greater than \$4.5 billion of
1139 net win received by the Tribe from the operation and play of
1140 covered games during each revenue sharing cycle.

1141 (b) During the guarantee payment period, the Tribe agrees
1142 to make fixed payments in accordance with this paragraph. In
1143 addition, within 90 days after the end of the guarantee payment
1144 period, the Tribe shall make an additional payment to the state
1145 equal to the amount above \$3 billion, if any, that would have
1146 been owed by the Tribe to the state had the percentages set
1147 forth in paragraph (c) been applicable during the guarantee
1148 payment period.

1149 1. A payment of \$325 million during the first revenue
1150 sharing cycle;

1151 2. A payment of \$350 million during the second revenue
1152 sharing cycle;

1153 3. A payment of \$375 million during the third revenue
1154 sharing cycle;

1155 4. A payment of \$425 million during the fourth revenue
1156 sharing cycle;

1157 5. A payment of \$475 million during the fifth revenue
1158 sharing cycle;

1159 6. A payment of \$500 million during the sixth revenue
1160 sharing cycle; and

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1161 7. A payment of \$550 million during the seventh revenue
1162 sharing cycle.

1163 (c) During the regular payment period, the Tribe agrees to
1164 pay a revenue share payment, for each revenue sharing cycle, to
1165 the state equal to the amount calculated in accordance with this
1166 paragraph.

1167 1. 13 percent of all amounts up to \$2 billion of net win
1168 received by the Tribe from the operation and play of covered
1169 games during each revenue sharing cycle;

1170 2. 17.5 percent of all amounts greater than \$2 billion up
1171 to and including \$3.5 billion of net win received by the Tribe
1172 from the operation and play of covered games during each revenue
1173 sharing cycle;

1174 3. 20 percent of all amounts greater than \$3.5 billion up
1175 to and including \$4 billion of net win received by the Tribe
1176 from the operation and play of covered games during each revenue
1177 sharing cycle;

1178 4. 22.5 percent of all amounts greater than \$4 billion up
1179 to and including \$4.5 billion of net win received by the Tribe
1180 from the operation and play of covered games during each revenue
1181 sharing cycle; or

1182 5. 25 percent of all amounts greater than \$4.5 billion of
1183 net win received by the Tribe from the operation and play of
1184 covered games during each revenue sharing cycle.

1185 (3) The Tribe shall remit monthly payments as follows:

1186 (a) On or before the 15th day of the month following each
1187 month of the revenue sharing cycle, the Tribe will remit to the
1188 state or its assignee the monthly payment. For purposes of this
1189 section, the monthly payment shall be 8.3333 percent of the

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1190 estimated revenue share payment to be paid by the Tribe during
1191 such revenue sharing cycle.

1192 (b) The Tribe shall make available to the state at the time
1193 of the monthly payment the basis for the calculation of the
1194 payment.

1195 (c) The Tribe shall, on a monthly basis, reconcile the
1196 calculation of the estimated revenue share payment based on the
1197 Tribe's unaudited financial statements related to covered games.

1198 (4) The Tribe shall have an audit conducted as follows:

1199 (a) On or before the 45th day after the third month, sixth
1200 month, ninth month, and twelfth month of each revenue sharing
1201 cycle, provided that the 12-month period does not coincide with
1202 the Tribe's fiscal year end date as indicated in paragraph (c),
1203 the Tribe shall provide the state with an audit report by its
1204 independent auditors as to the annual revenue share calculation.

1205 (b) For each quarter within revenue sharing cycle, the
1206 Tribe shall engage its independent auditors to conduct a review
1207 of the unaudited net revenue from covered games. On or before
1208 the 120th day after the end of the Tribe's fiscal year, the
1209 Tribe shall require its independent auditors to provide an audit
1210 report with respect to net win for covered games and the related
1211 payment of the annual revenue share.

1212 (c) If the twelfth month of the revenue sharing cycle does
1213 not coincide with the Tribe's fiscal year, the Tribe shall
1214 deduct net win from covered games for any of the months outside
1215 of the revenue sharing cycle and include net win from covered
1216 games for those months outside of the Tribe's audit period but
1217 within the revenue sharing cycle, before issuing the audit
1218 report.

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1219 (d) No later than 30 calendar days after the day the audit
1220 report is issued, the Tribe shall remit to the state any
1221 underpayment of the annual revenue share, and the state shall
1222 either reimburse to the Tribe any overpayment of the annual
1223 revenue share or authorize the overpayment to be deducted from
1224 the next successive monthly payment or payments.

1225 (5) If, after any change in state law to affirmatively
1226 allow internet or online gaming, or any functionally equivalent
1227 remote gaming system that permits a person to play from home or
1228 any other location that is remote from a casino or other
1229 commercial gaming facility, but excluding any fantasy contest
1230 conducted pursuant to s. 546.13, the Tribe's net win from the
1231 operation of covered games at all of its facilities combined
1232 drops more than five percent below its net win from the previous
1233 12-month period, the Tribe shall no longer be required to make
1234 payments to the state based on the guaranteed minimum compact
1235 term payment and shall not be required to make the guaranteed
1236 minimum compact term payment. However, the Tribe shall continue
1237 to make payments based on the percentage revenue share amount.
1238 The Tribe shall resume making the guaranteed minimum compact
1239 term payment for any subsequent revenue sharing cycle in which
1240 its net win rises above the level described in this subsection.
1241 This subsection does not apply if:

1242 (a) The decline in net win is due to acts of God, war,
1243 terrorism, fires, floods, or accidents causing damage to or
1244 destruction of one or more of its facilities or property
1245 necessary to operate the facility of facilities; or

1246 (b) The Tribe offers internet or online gaming or any
1247 functionally equivalent remote gaming system that permits a

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1248 person to game from home or any other location that is remote
1249 from any of the Tribe's facilities, as authorized by law.

1250 (6) The annual oversight assessment, which shall not exceed
1251 \$250,000 per year, indexed for inflation as determined by the
1252 Consumer Price Index, shall be determined and paid in quarterly
1253 installments within 30 calendar days after receipt by the Tribe
1254 of an invoice from the state compliance agency. The Tribe
1255 reserves the right to audit the invoices on an annual basis, a
1256 copy of which will be provided to the state compliance agency,
1257 and any discrepancies found therein shall be reconciled within
1258 45 calendar days after receipt of the audit by the state
1259 compliance agency.

1260 (7) The Tribe shall make an annual donation to the Florida
1261 Council on Compulsive Gaming as an assignee of the state in an
1262 amount not less than \$250,000 per facility.

1263 (8) Except as expressly provided in this part, nothing in
1264 this compact shall be deemed to require the Tribe to make
1265 payments of any kind to the state or any of its agencies.

1267 PART XII

1268
1269 REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY
1270 OR OTHER CHANGES IN STATE LAW.—The intent of this compact is to
1271 provide the Tribe with the right to operate covered games on an
1272 exclusive basis throughout the state, subject to the exceptions
1273 and provisions in this part.

1274 (1) For purposes of this part, the terms "Class III gaming"
1275 or "other casino-style gaming" include, but are not limited to,
1276 slot machines, electronically assisted bingo, electronically

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1277 assisted pull-tab games, noncard table games, video lottery
1278 terminals, or any similar games, whether or not such games are
1279 determined through the use of a random number generator. For the
1280 purposes of this part, the terms "Class III gaming" and "other
1281 casino-style gaming" do not include fantasy contests conducted
1282 pursuant to s. 546.13 or designated player games of poker
1283 authorized pursuant to s. 849.086, as those statutes are in
1284 effect on January 1, 2019.

1285 (a) If, after January 1, 2019, state law is amended,
1286 implemented, or interpreted to allow the operation of Class III
1287 gaming or other casino-style gaming at any location under the
1288 jurisdiction of the state that was not in operation as of
1289 January 1, 2019, or a new form of Class III gaming or other
1290 casino-style gaming that was not in operation as of January 1,
1291 2019, and such gaming is offered to the public as a result of
1292 the amendment, implementation, or interpretation, the Tribe, no
1293 fewer than 30 days after the commencement of such new gaming or
1294 90 days after the state's receipt of written notice from the
1295 Tribe pursuant to paragraph (b), whichever occurs later, may
1296 elect to begin making the affected portion of its payments due
1297 to the state pursuant to subsections (2) and (7) of Part XI,
1298 into an escrow account.

1299 (b) In order to exercise the provisions of paragraph (a),
1300 the Tribe must first notify the state, within 90 days after such
1301 amendment, implementation, or interpretation of state law, of
1302 the Tribe's objections to such action or interpretation and
1303 further specify the basis for the Tribe's contention that such
1304 action or interpretation infringes upon the substantial
1305 exclusivity afforded under this compact. As part of its written

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1306 notice, the Tribe must also indicate, if applicable, its
1307 intention to begin making the affected portion of its payments
1308 due to the state into an escrow account.

1309 (c) Upon receipt of written notice from the Tribe, the
1310 state may elect to:

1311 1. Invoke the dispute resolution provisions of Part XIII to
1312 determine whether the Tribe's contention is well-founded. In
1313 such proceeding, the Tribe carries the burden of proof and
1314 persuasion. The pendency of such proceeding tolls the time
1315 periods set forth in paragraph (1) (a) of Part XII for the
1316 duration of the dispute or litigation; or

1317 2. Seek through enforcement action, legislation, or other
1318 means to stop the conduct of such new games.

1319 (d)1. If, within 15 months following the state's receipt of
1320 written notice from the Tribe, the Tribe's contention is deemed
1321 not to be well-founded at the conclusion of dispute resolution
1322 or new gaming is made illegal and is halted, then all funds
1323 being held in the escrow account shall be released to the state
1324 and all further payments due to the state pursuant to
1325 subsections (2) and (7) of Part XI shall promptly resume.

1326 2. If, after 15 months following the state's receipt of
1327 written notice from the Tribe, the Tribe's contention is deemed
1328 to be well-founded at the conclusion of dispute resolution and
1329 such gaming is not made illegal and halted, then all funds being
1330 held in escrow shall be returned to the Tribe and all further
1331 payments due to the state pursuant to subsections (2) and (7) of
1332 Part XI shall cease or be reduced as provided in subsection (2)
1333 until such gaming is no longer operated, in which event the
1334 payments shall promptly resume.

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1335 (2) The following are exceptions to the exclusivity
1336 provisions of subsection (1):

1337 (a) Any Class III gaming authorized by a compact between
1338 the state and any other federally recognized tribe pursuant to
1339 Indian Gaming Regulatory Act, provided that the tribe has land
1340 in federal trust in the state as of January 1, 2018.

1341 (b) The operation of slot machines, which does not include
1342 any game played with tangible playing cards, at:

1343 1. Each of the four currently operating licensed pari-
1344 mutuel facilities in Broward County and the four currently
1345 operating licensed pari-mutuel facilities in Miami-Dade County,
1346 whether or not currently operating slot machines, provided that
1347 such licenses are not transferred or otherwise used to move or
1348 operate such slot machines at any other location; or

1349 2. Licensed pari-mutuel facilities in counties, other than
1350 Broward County or Miami-Dade County, which have been authorized
1351 by referendum in each of those counties after January 1, 2012,
1352 and on or before September 1, 2018, pursuant to state law as of
1353 January 1, 2019.

1354 (c)1. If state law is amended to allow for the play of any
1355 additional type of Class III or other casino-style gaming at any
1356 of the presently operating licensed pari-mutuel facilities in
1357 Broward and Miami-Dade Counties, the Tribe may be entitled to a
1358 reduction in the revenue sharing payment as described in
1359 subparagraph 2.

1360 2. If the Tribe's annual net win from its facilities
1361 located in Broward County for the 12 month period after the
1362 gaming specified in subparagraph 1. begins to be offered for
1363 public or private use is less than the net revenue base, the

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1364 revenue share payments due to the state, pursuant to paragraph
1365 (2) (b) of Part XI, for the next revenue sharing cycle and future
1366 revenue sharing cycles shall be calculated by reducing the
1367 Tribe's payment on revenue generated from its facilities in
1368 Broward County by 50 percent of that reduction in annual net win
1369 from its facilities in Broward County. This paragraph does not
1370 apply if the decline in net win is due to acts of God, war,
1371 terrorism, fires, floods, or accidents causing damage to or
1372 destruction of one or more of its facilities or property
1373 necessary to operate the facility or facilities.

1374 3. If the Tribe's annual net win from its facilities
1375 located in Broward County subsequently equals or exceeds the net
1376 revenue base, then the Tribe's payments due to the state
1377 pursuant to paragraph (2) (b) of Part XI shall again be
1378 calculated without any reduction, but may be reduced again under
1379 the provisions set forth in subparagraph 2.

1380 (d) If state law is amended to allow the play of Class III
1381 gaming or other casino-style gaming, as defined in this part, at
1382 any location in Miami-Dade County or Broward County under the
1383 jurisdiction of the state that is not presently licensed for the
1384 play of such games at such locations, other than those
1385 facilities set forth in paragraph (c) and this paragraph, and
1386 such games were not in play as of January 1, 2018, and such
1387 gaming begins to be offered for public or private use, the
1388 payments due the state pursuant to subparagraph (c)2., shall be
1389 calculated by excluding the net win from the Tribe's facilities
1390 in Broward County.

1391 (e) The operation of a combined total of not more than 350
1392 historic racing machines, connected to a central server at that

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1393 facility, and electronic bingo machines at each pari-mutuel
1394 facility licensed as of January 1, 2018, and not located in
1395 either Broward County or Miami-Dade County.

1396 (f) The operation of pari-mutuel wagering activities at
1397 pari-mutuel facilities licensed by the state.

1398 (g) The operation by the Department of the Lottery of those
1399 types of lottery games authorized under chapter 24 as of January
1400 1, 2018, but not including any player-activated or operated
1401 machine or device other than a lottery vending machine or any
1402 banked or banking card or table game. However, not more than ten
1403 lottery vending machines may be installed at any facility or
1404 location and no lottery vending machine that dispenses
1405 electronic instant tickets may be installed at any licensed
1406 pari-mutuel facility.

1407 (h) The operation of games of poker, including designated
1408 player games of poker, as authorized by chapter 849 as of
1409 January 1, 2019.

1410 (i) The operation of games permitted by chapters 546 and
1411 849, Florida Statutes, as of January 1, 2019.

1412 (j) The following events shall not trigger any remedy under
1413 this compact and do not affect the exclusivity provisions of
1414 this compact:

1415 1. Any change to the tax rate paid to the state by the
1416 licensed pari-mutuel permitholders for the operation of slot
1417 machines, provided the effective tax rate is not less than 25
1418 percent. If the effective tax rate is less than 25 percent, then
1419 the Tribe shall be relieved of its obligations to make the
1420 guaranteed minimum compact term payment and any further
1421 guaranteed revenue sharing cycle payment, but instead shall make

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1422 payments to the state for all future revenue sharing cycles
1423 based on the percentage payments set forth in paragraph (2) (c)
1424 of Part XI, but shall be permitted to exclude all revenue
1425 generated by slot machines at its facilities in Broward County;
1426 and

1427 2. Any change in state law that removes the requirement for
1428 pari-mutuel permitholders to conduct performances of live races
1429 or games in order to operate other authorized gaming activities.

1430 (3) To the extent that the exclusivity provisions of this
1431 part are breached or otherwise violated and the Tribe's ongoing
1432 payment obligations to the state pursuant to subsections (2) and
1433 (7) of Part XI cease, any outstanding payments that would have
1434 been due the state from the Tribe's facilities before the breach
1435 or violation shall be made within 30 business days after the
1436 breach or violation.

1437 (4) The breach of this part's exclusivity provisions and
1438 the cessation of payments pursuant to subsections (2) and (7) of
1439 Part XI shall not excuse the Tribe from continuing to comply
1440 with all other provisions of this compact, including continuing
1441 to pay the state the annual oversight assessment as set forth in
1442 subsection (6) of Part XI.

1444 PART XIII

1446 DISPUTE RESOLUTION.—In the event that the Tribe or State
1447 believes that the other party has failed to comply with any
1448 requirements of this compact, or in the event of any dispute
1449 hereunder, including, but not limited to, a dispute over the
1450 proper interpretation of the terms and conditions of this

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1451 compact, the goal of the parties is to resolve all disputes
1452 amicably and voluntarily whenever possible. In pursuit of this
1453 goal, the following procedures may be invoked:

1454 (1) A party asserting noncompliance or seeking an
1455 interpretation of this compact first shall serve written notice
1456 on the other party. The notice shall identify the specific
1457 compact provision alleged to have been violated or in dispute
1458 and shall specify in detail the asserting party's contention and
1459 any factual basis for the claim. Representatives of the Tribe
1460 and state shall meet within 30 calendar days after receipt of
1461 notice in an effort to resolve the dispute, unless they mutually
1462 agree to extend this period.

1463 (2) A party asserting noncompliance or seeking an
1464 interpretation of this compact under this part shall be deemed
1465 to have certified that to the best of the party's knowledge,
1466 information, and belief formed after reasonable inquiry, the
1467 claim of noncompliance or the request for interpretation of this
1468 compact is warranted and made in good faith and not for any
1469 improper purpose, such as to harass or to cause unnecessary
1470 delay or the needless incurring of the cost of resolving the
1471 dispute.

1472 (3) If the parties are unable to resolve a dispute through
1473 the process specified in subsections (1) and (2), either party
1474 may call for mediation under the Commercial Mediation Procedures
1475 of the American Arbitration Association or any successor
1476 procedures, provided that such mediation does not last more than
1477 60 calendar days, unless an extension to this time limit is
1478 negotiated by the parties. Only matters arising under the terms
1479 of this compact may be available for resolution through

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1480 mediation. If the parties are unable to resolve a dispute
1481 through the process specified in this part, notwithstanding any
1482 other provision of law, either party may bring an action in a
1483 United States District Court having venue regarding a dispute
1484 arising under this compact. If the court declines to exercise
1485 jurisdiction, or federal precedent exists that holds that the
1486 court would not have jurisdiction over such a dispute, either
1487 party may bring the action in the appropriate court of the
1488 Seventeenth Judicial Circuit in Broward County, Florida. The
1489 parties are entitled to all rights of appeal permitted by law in
1490 the court system in which the action is brought.

1491 (4) For purposes of actions based on disputes between the
1492 state and the Tribe that arise under this compact and the
1493 enforcement of any judgment resulting from such action, the
1494 Tribe and the state each expressly waive the right to assert
1495 sovereign immunity from suit and from enforcement of any ensuing
1496 judgment, and further consent to be sued in federal or state
1497 court, including the right of appeal specified above, as the
1498 case may be, provided that:

1499 (a) The dispute is limited solely to issues arising under
1500 this compact.

1501 (b) There is no claim for monetary damages, except that
1502 payment of any money required by the terms of this compact, as
1503 well as injunctive relief or specific performance enforcing a
1504 provision of this compact requiring the payment of money to the
1505 state may be sought.

1506 (c) Nothing herein shall be construed to constitute a
1507 waiver of the sovereign immunity of the Tribe with respect to
1508 any third party that is made a party or intervenes as a party to

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1509 the action. In the event that intervention, joinder, or other
1510 participation by any additional party in any action between the
1511 state and the Tribe would result in the waiver of the Tribe's
1512 sovereign immunity as to that additional party, the waiver of
1513 the Tribe may be revoked.

1514 (5) The state may not be precluded from pursuing any
1515 mediation or judicial remedy against the Tribe on the grounds
1516 that the state has failed to exhaust its Tribal administrative
1517 remedies.

1518 (6) Notwithstanding any other provision of this part, any
1519 failure of the Tribe to remit the payments pursuant to the terms
1520 of Part XI entitles the state to seek injunctive relief in
1521 federal or state court, at the state's election, to compel the
1522 payments after the dispute resolution process in subsections (1)
1523 and (2) is exhausted.

1524 PART XIV

1525 CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

1526
1527
1528 (1) Each provision of this compact shall stand separate and
1529 independent of every other provision. In the event that a
1530 federal district court in Florida or other court of competent
1531 jurisdiction shall find any provision of this compact to be
1532 invalid, the remaining provisions shall remain in full force and
1533 effect, provided that severing the invalidated provision does
1534 not undermine the overall intent of the parties in entering into
1535 this compact. However, if subsection (6) of Part III, Part XI,
1536 or Part XII are held by a court of competent jurisdiction to be
1537 invalid, this compact will become null and void.

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1538 (2) It is understood that Part XII, which provides for a
1539 cessation of the payments to the state under Part XI, does not
1540 create any duty on the state but only a remedy for the Tribe if
1541 gaming under state jurisdiction is expanded.

1542 (3) This compact is intended to meet the requirements of
1543 the Indian Gaming Regulatory Act as it reads on the effective
1544 date of this compact, and where reference is made to the Indian
1545 Gaming Regulatory Act, or to an implementing regulation thereof,
1546 the reference is deemed to have been incorporated into this
1547 document. Subsequent changes to the Indian Gaming Regulatory Act
1548 that diminish the rights of the state or Tribe may not be
1549 applied retroactively to alter the terms of this compact, except
1550 to the extent that federal law validly mandates that retroactive
1551 application without the respective consent of the state or the
1552 Tribe. In the event that a subsequent change in the Indian
1553 Gaming Regulatory Act, or to an implementing regulation thereof,
1554 mandates retroactive application without the respective consent
1555 of the state or the Tribe, the parties agree that this compact
1556 is voidable by either party if the subsequent change materially
1557 alters the provisions in the compact relating to the play of
1558 covered games, revenue sharing payments, suspension or reduction
1559 of payments, or exclusivity.

1560 (4) Neither the presence of language that is not included
1561 in this compact, nor the absence in this compact of language
1562 that is present in another state-tribal compact shall be a
1563 factor in construing the terms of this compact.

1564 (5) The Tribe and the state shall defend the validity of
1565 this compact.

1566 (6) The parties shall cooperate in seeking approval of this

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1567 compact from the Secretary of the Department of the Interior.

1568
1569 PART XV

1570
1571 NOTICES.—All notices required under this compact shall be
1572 given by certified mail, return receipt requested, commercial
1573 overnight courier service, or personal delivery, to the
1574 Governor, the President of the Senate, the Speaker of the House
1575 of Representatives, and the Chairman and General Counsel of the
1576 Seminole Tribe of Florida.

1577
1578 PART XVI

1579
1580 EFFECTIVE DATE AND TERM.—

1581 (1) This compact, if identical to the version ratified by
1582 the Legislature in s. 285.710(3)(c), Florida Statutes, in 2018,
1583 shall become effective upon its approval as a tribal-state
1584 compact within the meaning of the Indian Gaming Regulatory Act
1585 either by action of the Secretary of the Department of the
1586 Interior or by operation of law under 25 U.S.C. s. 2710(d)(8)
1587 upon publication of a notice of approval in the Federal Register
1588 under 25 U.S.C. s. 2710(d)(8)(D).

1589 (2) This compact shall have a term of twenty-two years
1590 beginning on the first day of the month following the month in
1591 which the compact becomes effective under subsection (1).

1592 (3) The Tribe's authorization to offer covered games under
1593 this compact shall automatically terminate twenty-two years
1594 after the effective date unless renewed by an affirmative act of
1595 the Legislature.

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PART XVII

AMENDMENT OF COMPACT AND REFERENCES.—

(1) Amendment of this compact may only be made by written agreement of the parties, subject to approval by the Secretary of the Department of the Interior, either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d) (8).

(2) Legislative ratification is required for any amendment to the compact that alters the provisions relating to covered games, the amount of revenue sharing payments, suspension or reduction in payments, or exclusivity.

(3) Changes in the provisions of tribal ordinances, regulations, and procedures referenced in this compact may be made by the Tribe with 30 days' advance notice to the state. If the state has an objection to any change to the tribal ordinance, regulation, or procedure which is the subject of the notice on the ground that its adoption would be a violation of the Tribe's obligations under this compact, the state may invoke the dispute resolution provisions provided in Part XIII.

PART XVIII

MISCELLANEOUS.—

(1) Except to the extent expressly provided in this compact, this compact is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.

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1625 (2) If, after the effective date of this compact, the state
1626 enters into a compact with any other Tribe that contains more
1627 favorable terms with respect to the provisions of this Compact
1628 and the Secretary of the Department of the Interior approves
1629 such compact, either by publication of the notice of approval in
1630 the Federal Register or by operation of law under 25 U.S.C. s.
1631 2710(d)(8), upon tribal notice to the state and the Secretary,
1632 this compact shall be deemed amended to contain the more
1633 favorable terms, unless the state objects to the change and can
1634 demonstrate, in a proceeding commenced under Part XIII, that the
1635 terms in question are not more favorable.

1636 (3) Upon the occurrence of certain events beyond the
1637 Tribe's control, including acts of God, war, terrorism, fires,
1638 floods, or accidents causing damage to or destruction of one or
1639 more of its facilities or property necessary to operate the
1640 facility or facilities, the Tribe's obligation to pay the
1641 guaranteed minimum compact term payment described in Part XI
1642 shall be reduced pro rata to reflect the percentage of the total
1643 net win lost to the Tribe from the impacted facility or
1644 facilities and the net win specified under subsection (2) of
1645 Part XII for purposes of determining whether the Tribe's
1646 payments described in Part XI shall cease, shall be reduced pro
1647 rata to reflect the percentage of the total net win lost to the
1648 Tribe from the impacted facility or facilities. The foregoing
1649 shall not excuse any obligations of the Tribe to make payments
1650 to the state as and when required hereunder or in any related
1651 document or agreement.

1652 (4) The Tribe and the state recognize that opportunities to
1653 engage in gaming in smoke-free or reduced-smoke environments

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1654 provides both health and other benefits to patrons, and the
1655 Tribe has instituted a nonsmoking section at its Seminole Hard
1656 Rock Hotel & Casino-Hollywood Facility. As part of its
1657 continuing commitment to this issue, the Tribe shall:

1658 (a) Install and utilize a ventilation system at all new
1659 construction at its facilities, which system exhausts tobacco
1660 smoke to the extent reasonably feasible under existing state-of-
1661 the-art technology.

1662 (b) Designate a smoke-free area for slot machines at all
1663 new construction at its facilities.

1664 (c) Install nonsmoking, vented tables for table games
1665 installed in its facilities sufficient to reasonably respond to
1666 demand for such tables.

1667 (d) Designate a nonsmoking area for gaming within all of
1668 its facilities within five years after the effective date of the
1669 compact.

1670 (5) The annual average minimum pay-out of all slot machines
1671 in each facility may not be less than 85 percent.

1672 (6) Nothing in this compact shall alter any of the existing
1673 memoranda of understanding, contracts, or other agreements
1674 entered into between the Tribe and any other federal, state, or
1675 local governmental entity.

1676 (7) The Tribe currently has, as set forth in its Employee
1677 Fair Treatment and Dispute Resolution Policy, and agrees to
1678 maintain, standards that are comparable to the standards
1679 provided in federal laws and state laws forbidding employers
1680 from discrimination in connection with the employment of persons
1681 working at the facilities on the basis of race, color, religion,
1682 national origin, gender, age, disability, or marital status.

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1683 Nothing herein shall preclude the Tribe from giving preference
1684 in employment, promotion, seniority, lay-offs, or retention to
1685 members of the Tribe and other federally recognized tribes.

1686 (8) The Tribe shall, with respect to any facility where
1687 covered games are played, adopt and comply with tribal
1688 requirements that meet the same minimum state requirements
1689 applicable to businesses in the state with respect to
1690 environmental and building standards.

1691
1692 PART XIX
1693

1694 EXECUTION.—The Governor of the State of Florida affirms
1695 that he has authority to act for the state in this matter and
1696 that, provided that this compact is identical to the compact
1697 ratified by the Legislature pursuant to s. 285.710(3)(c),
1698 Florida Statutes, no further action by the state or any state
1699 official is necessary for this compact to take effect upon
1700 federal approval by action of the Secretary of the Department of
1701 the Interior or by operation of law under 25 U.S.C. s.
1702 2710(d)(8) by publication of the notice of approval in the
1703 Federal Register. The Governor affirms that he will proceed with
1704 obtaining such federal approval and take all other appropriate
1705 action to effectuate the purposes and intent of this Compact.
1706 The undersigned Chairman of the Tribal Council of the Seminole
1707 Tribe of Florida affirms that he is duly authorized and has the
1708 authority to execute this Compact on behalf of the Tribe. The
1709 Chairman also affirms that he will assist in obtaining federal
1710 approval and take all other appropriate action to effectuate the
1711 purposes and intent of this Compact.

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1712 Section 2. Subsection (4) of section 285.712, Florida
1713 Statutes, is amended to read:

1714 285.712 Tribal-state gaming compacts.—

1715 (4) Upon execution receipt of ~~an act ratifying~~ a tribal-
1716 state compact entered pursuant to s. 285.710(3)(b), the Governor
1717 shall provide a copy to the Secretary of State who shall forward
1718 a copy of the executed compact and the ratifying act to the
1719 United States Secretary of the Interior for his or her review
1720 and approval, in accordance with 25 U.S.C. s. 2710(d)(8)
1721 ~~2710(8)(d)~~.

1722 Section 3. Section 546.13, Florida Statutes, is created to
1723 read:

1724 546.13 Fantasy contests and fantasy contest operators.—

1725 (1) DEFINITIONS.—As used in this section, the term:

1726 (a) "Entry fee" means cash or a cash equivalent that is
1727 required to be paid by a participant in order to participate in
1728 a fantasy contest.

1729 (b) "Fantasy contest" means a fantasy or simulated game or
1730 contest in which:

1731 1. The value of all prizes and awards offered to winning
1732 participants is established and made known to the participants
1733 in advance of the contest and is unrelated to the number of
1734 participants in the contest;

1735 2. All winning outcomes reflect the relative knowledge and
1736 skill of the participants and are determined predominantly by
1737 accumulated statistical results of the performance of
1738 individuals, including athletes in the case of sporting events;

1739 3. No winning outcome is based on the score, point spread,
1740 or any performance or performances of any single actual team or

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1741 combination of such teams, solely on any single performance of
1742 an individual athlete or player in any single actual event, or
1743 on the performances of participants in collegiate, high school,
1744 or youth sporting events; and

1745 4. No casino graphics, themes, or titles, including, but
1746 not limited to, depictions of slot machine-style symbols, cards,
1747 craps, roulette, or lotto, are displayed or depicted.

1748 (c) "Fantasy contest operator" means a person or an entity,
1749 including any employee or agent, that offers or conducts a
1750 fantasy contest with an entry fee for a cash prize or award and
1751 that is not a participant in the fantasy contest.

1752 (2) EXEMPTIONS.—The Department of Business and Professional
1753 Regulation may not regulate and the offenses established in ss.
1754 849.01, 849.08, 849.09, 849.11, 849.14, and 849.25 do not
1755 include or apply to a fantasy contest operated or conducted by
1756 a:

1757 (a) Fantasy contest operator.

1758 (b) Natural person who is a participant in the fantasy
1759 contest, serves as the commissioner of not more than 10 fantasy
1760 contests in a calendar year, and distributes all entry fees for
1761 the fantasy contest as prizes or awards to the participants in
1762 that fantasy contest.

1763 Section 4. Subsections (1) and (3) of section 550.01215,
1764 Florida Statutes, are amended to read:

1765 550.01215 License application; periods of operation; bond,
1766 conversion of permit.—

1767 (1) Each permitholder shall annually, during the period
1768 between December 15 and January 4, file in writing with the
1769 division its application for an operating ~~a~~ license to conduct

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1770 pari-mutuel wagering during the next state fiscal year,
1771 including intertrack and simulcast race wagering for greyhound
1772 racing permitholders, jai alai permitholders, harness horse
1773 racing permitholders, and quarter horse racing permitholders
1774 that do not ~~to~~ conduct live performances ~~during the next state~~
1775 ~~fiscal year~~. Each application for live performances must ~~shall~~
1776 specify the number, dates, and starting times of all live
1777 performances ~~that~~ ~~which~~ the permitholder intends to conduct. It
1778 must ~~shall~~ also specify which performances will be conducted as
1779 charity or scholarship performances.

1780 (a) ~~In addition,~~ Each application for an operating a
1781 license ~~also must shall~~ include:

1782 1. For each permitholder, whether the permitholder intends
1783 to accept wagers on intertrack or simulcast events.

1784 2. For each permitholder that elects ~~which elects~~ to
1785 operate a cardroom, the dates and periods of operation the
1786 permitholder intends to operate the cardroom. ~~or~~

1787 3. For each thoroughbred racing permitholder ~~that~~ ~~which~~
1788 elects to receive or rebroadcast out-of-state races after 7
1789 p.m., the dates for all performances which the permitholder
1790 intends to conduct.

1791 (b) A greyhound racing permitholder that conducted a full
1792 schedule of live racing for a period of at least 10 consecutive
1793 state fiscal years after the 1996-1997 state fiscal year, or
1794 that converted its permit to a permit to conduct greyhound
1795 racing after the 1996-1997 state fiscal year, irrevocably may
1796 elect not to conduct live racing if the election is made within
1797 36 months after the effective date of this act. A greyhound
1798 racing permitholder that makes such election retains its permit;

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1799 is a pari-mutuel facility as defined in s. 550.002(23); if such
1800 permitholder has been issued a slot machine license, the
1801 facility where such permit is located remains an eligible
1802 facility as defined in s. 551.102(4), continues to be eligible
1803 for a slot machine license, and is exempt from ss. 551.104(3)
1804 and (4)(c)1. and 551.114(2) and (4); is eligible, but not
1805 required, to be a guest track for purposes of intertrack
1806 wagering and simulcasting pursuant to ss. 550.3551, 550.615, and
1807 550.6305; and remains eligible for a cardroom license
1808 notwithstanding any requirement in s. 849.086 for the conduct of
1809 live performances. A greyhound racing permitholder may receive
1810 an operating license to conduct pari-mutuel wagering activities
1811 at another permitholder's greyhound racing facility pursuant to
1812 s. 550.475.

1813 (c) A jai alai permitholder, harness horse racing
1814 permitholder or a quarter horse racing permitholder that has
1815 conducted live racing or games for at least 5 years irrevocably
1816 may elect not to conduct live racing or games if the election is
1817 made within 36 months after the effective date of this act. A
1818 permitholder that makes such election retains its permit; is a
1819 pari-mutuel facility as defined in s. 550.002(23); if such
1820 permitholder has been issued a slot machine license, the
1821 facility where such permit is located remains an eligible
1822 facility as defined in s. 551.102(4), continues to be eligible
1823 for a slot machine license, and is exempt from ss. 551.104(3)
1824 and (4)(c)1. and 551.114(2) and (4); is eligible, but not
1825 required, to be a guest track and, if the permitholder is a
1826 harness horse racing permitholder, to be a host track for
1827 purposes of intertrack wagering and simulcasting pursuant to ss.

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1828 550.3551, 550.615, 550.625, and 550.6305; and remains eligible
1829 for a cardroom license notwithstanding any requirement in s.
1830 849.086 to conduct live performances.

1831 (d) Permitholders may ~~shall be entitled to~~ amend their
1832 applications through February 28.

1833 (3) The division shall issue each license no later than
1834 March 15. Each permitholder shall operate all performances at
1835 the date and time specified on its license. The division shall
1836 have the authority to approve minor changes in racing dates
1837 after a license has been issued. The division may approve
1838 changes in racing dates after a license has been issued when
1839 there is no objection from any operating permitholder located
1840 within 50 miles of the permitholder requesting the changes in
1841 operating dates. In the event of an objection, the division
1842 shall approve or disapprove the change in operating dates based
1843 upon the impact on operating permitholders located within 50
1844 miles of the permitholder requesting the change in operating
1845 dates. In making the determination to change racing dates, the
1846 division shall take into consideration the impact of such
1847 changes on state revenues. Notwithstanding any other provision
1848 of law, and for the 2018-2019 fiscal year only, the division may
1849 approve changes in racing dates for permitholders if the request
1850 for such changes is received before May 31, 2018.

1851 Section 5. Subsections (9), (13), (14), and paragraph (a)
1852 of subsection (11) of section 550.054, Florida Statutes, are
1853 amended to read:

1854 550.054 Application for permit to conduct pari-mutuel
1855 wagering.—

1856 (9) (a) After a permit has been granted by the division and

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1857 has been ratified and approved by the majority of the electors
1858 participating in the election in the county designated in the
1859 permit, the division shall grant to the lawful permitholder,
1860 subject to the conditions of this chapter, a license to conduct
1861 pari-mutuel operations under this chapter, and, except as
1862 provided in s. 550.5251, the division shall fix annually the
1863 time, place, and number of days during which pari-mutuel
1864 operations may be conducted by the permitholder at the location
1865 fixed in the permit and ratified in the election. After the
1866 first license has been issued to the holder of a ratified permit
1867 for racing in any county, all subsequent annual applications for
1868 a license by that permitholder must be accompanied by proof, in
1869 such form as the division requires, that the ratified
1870 permitholder still possesses all the qualifications prescribed
1871 by this chapter and that the permit has not been recalled at a
1872 later election held in the county.

1873 (b) The division may revoke or suspend any permit or
1874 license issued under this chapter upon a ~~the~~ willful violation
1875 by the permitholder or licensee ~~of any provision of~~ chapter 551,
1876 chapter 849, or this chapter or rules ~~of any rule~~ adopted
1877 pursuant to those chapters. With the exception of the revocation
1878 of permits required in paragraphs (c) and (e) under this
1879 chapter. In lieu of suspending or revoking a permit or license,
1880 the division, in lieu of suspending or revoking a permit or
1881 license, may impose a civil penalty against the permitholder or
1882 licensee for a violation of this chapter or rules adopted
1883 pursuant thereto ~~any rule adopted by the division~~. The penalty
1884 so imposed may not exceed \$1,000 for each count or separate
1885 offense. All penalties imposed and collected must be deposited

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1886 with the Chief Financial Officer to the credit of the General
1887 Revenue Fund.

1888 (c)1. The division shall revoke the permit of any
1889 permitholder that fails to make payments due pursuant to chapter
1890 550, chapter 551, or s. 849.086 for more than 24 consecutive
1891 months unless such failure was the direct result of fire,
1892 strike, war, or other disaster or event beyond the
1893 permitholder's control. Financial hardship to the permitholder
1894 does not, in and of itself, constitute just cause for failure to
1895 make payments.

1896 2. The division shall revoke the permit of any permitholder
1897 that has not obtained an operating license in accordance with s.
1898 550.01215 for a period of more than 24 consecutive months after
1899 June 30, 2012. The division shall revoke the permit upon
1900 adequate notice to the permitholder. Financial hardship to the
1901 permitholder does not, in and of itself, constitute just cause
1902 for failure to operate.

1903 (d) A new permit to conduct pari-mutuel wagering may not be
1904 approved or issued after January 1, 2018.

1905 (e) A permit revoked under this subsection is void and may
1906 not be reissued.

1907 (11) (a) A permit granted under this chapter may not be
1908 transferred or assigned except upon written approval by the
1909 division pursuant to s. 550.1815, ~~except that the holder of any~~
1910 ~~permit that has been converted to a jai alai permit may lease or~~
1911 ~~build anywhere within the county in which its permit is located.~~

1912 (13) ~~(a)~~ Notwithstanding any provisions of this chapter or
1913 chapter 551, a pari-mutuel no thoroughbred horse racing permit
1914 or license issued under this chapter may not shall be

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1915 transferred, or reissued when such reissuance is in the nature
1916 of a transfer so as to permit or authorize a licensee to change
1917 the location of a pari-mutuel facility, or a cardroom or slot
1918 machine facility, except through the relocation of the pari-
1919 mutuel permit pursuant to s. 550.0555 thoroughbred horse
1920 racetrack except upon proof in such form as the division may
1921 prescribe that a referendum election has been held:

1922 1. ~~If the proposed new location is within the same county~~
1923 ~~as the already licensed location, in the county where the~~
1924 ~~licensee desires to conduct the race meeting and that a majority~~
1925 ~~of the electors voting on that question in such election voted~~
1926 ~~in favor of the transfer of such license.~~

1927 2. ~~If the proposed new location is not within the same~~
1928 ~~county as the already licensed location, in the county where the~~
1929 ~~licensee desires to conduct the race meeting and in the county~~
1930 ~~where the licensee is already licensed to conduct the race~~
1931 ~~meeting and that a majority of the electors voting on that~~
1932 ~~question in each such election voted in favor of the transfer of~~
1933 ~~such license.~~

1934 (b) ~~Each referendum held under the provisions of this~~
1935 ~~subsection shall be held in accordance with the electoral~~
1936 ~~procedures for ratification of permits, as provided in s.~~
1937 ~~550.0651. The expense of each such referendum shall be borne by~~
1938 ~~the licensee requesting the transfer.~~

1939 (14) (a) Notwithstanding any other provision of law, a pari-
1940 mutuel permit, cardroom, or slot machine facility may not be
1941 relocated, and a pari-mutuel permit may not be converted to
1942 another class of permit. Any holder of a permit to conduct jai
1943 alai may apply to the division to convert such permit to a

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1944 ~~permit to conduct greyhound racing in lieu of jai alai if:~~

1945 ~~1. Such permit is located in a county in which the division~~
1946 ~~has issued only two pari-mutuel permits pursuant to this~~
1947 ~~section;~~

1948 ~~2. Such permit was not previously converted from any other~~
1949 ~~class of permit; and~~

1950 ~~3. The holder of the permit has not conducted jai alai~~
1951 ~~games during a period of 10 years immediately preceding his or~~
1952 ~~her application for conversion under this subsection.~~

1953 ~~(b) The division, upon application from the holder of a jai~~
1954 ~~alai permit meeting all conditions of this section, shall~~
1955 ~~convert the permit and shall issue to the permit holder a permit~~
1956 ~~to conduct greyhound racing. A permit holder of a permit~~
1957 ~~converted under this section shall be required to apply for and~~
1958 ~~conduct a full schedule of live racing each fiscal year to be~~
1959 ~~eligible for any tax credit provided by this chapter. The holder~~
1960 ~~of a permit converted pursuant to this subsection or any holder~~
1961 ~~of a permit to conduct greyhound racing located in a county in~~
1962 ~~which it is the only permit issued pursuant to this section who~~
1963 ~~operates at a leased facility pursuant to s. 550.475 may move~~
1964 ~~the location for which the permit has been issued to another~~
1965 ~~location within a 30-mile radius of the location fixed in the~~
1966 ~~permit issued in that county, provided the move does not cross~~
1967 ~~the county boundary and such location is approved under the~~
1968 ~~zoning regulations of the county or municipality in which the~~
1969 ~~permit is located, and upon such relocation may use the permit~~
1970 ~~for the conduct of pari-mutuel wagering and the operation of a~~
1971 ~~cardroom. The provisions of s. 550.6305(9)(d) and (f) shall~~
1972 ~~apply to any permit converted under this subsection and shall~~

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1973 ~~continue to apply to any permit which was previously included~~
1974 ~~under and subject to such provisions before a conversion~~
1975 ~~pursuant to this section occurred.~~

1976 Section 6. Section 550.0745, Florida Statutes, is repealed.

1977 Section 7. Subsection (3) of section 550.09512, Florida
1978 Statutes, is amended to read:

1979 550.09512 Harness horse taxes; abandoned interest in a
1980 permit for nonpayment of taxes.-

1981 (3)(a) The division shall revoke the permit of a harness
1982 horse racing permitholder who does not pay tax on handle for
1983 live harness horse performances for a full schedule of live
1984 racers for more than 24 consecutive months during any 2
1985 ~~consecutive state fiscal years shall be void and shall escheat~~
1986 ~~to and become the property of the state unless such failure to~~
1987 ~~operate and pay tax on handle was the direct result of fire,~~
1988 ~~strike, war, or other disaster or event beyond the ability of~~
1989 ~~the permitholder to control. Financial hardship to the~~
1990 ~~permitholder does shall not, in and of itself, constitute just~~
1991 ~~cause for failure to operate and pay tax on handle. A permit~~
1992 ~~revoked under this subsection is void and may not be reissued.~~

1993 ~~(b) In order to maximize the tax revenues to the state, the~~
1994 ~~division shall reissue an escheated harness horse permit to a~~
1995 ~~qualified applicant pursuant to the provisions of this chapter~~
1996 ~~as for the issuance of an initial permit. However, the~~
1997 ~~provisions of this chapter relating to referendum requirements~~
1998 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
1999 ~~escheated harness horse permit. As specified in the application~~
2000 ~~and upon approval by the division of an application for the~~
2001 ~~permit, the new permitholder shall be authorized to operate a~~

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2002 ~~harness horse facility anywhere in the same county in which the~~
2003 ~~escheated permit was authorized to be operated, notwithstanding~~
2004 ~~the provisions of s. 550.054(2) relating to mileage limitations.~~

2005 Section 8. Subsections (3) and (7) of section 550.09515,
2006 Florida Statutes, are amended to read:

2007 550.09515 Thoroughbred horse taxes; abandoned interest in a
2008 permit for nonpayment of taxes.-

2009 (3)~~(a)~~ The division shall revoke the permit of a
2010 thoroughbred racing horse permitholder that ~~who~~ does not pay tax
2011 on handle for live thoroughbred horse performances for a full
2012 schedule of live races for more than 24 consecutive months
2013 ~~during any 2 consecutive state fiscal years shall be void and~~
2014 ~~shall escheat to and become the property of the state unless~~
2015 such failure to operate and pay tax on handle was the direct
2016 result of fire, strike, war, or other disaster or event beyond
2017 the ability of the permitholder to control. Financial hardship
2018 to the permitholder does ~~shall~~ not, in and of itself, constitute
2019 just cause for failure to operate and pay tax on handle. A
2020 permit revoked under this subsection is void and may not be
2021 reissued.

2022 ~~(b) In order to maximize the tax revenues to the state, the~~
2023 ~~division shall reissue an escheated thoroughbred horse permit to~~
2024 ~~a qualified applicant pursuant to the provisions of this chapter~~
2025 ~~as for the issuance of an initial permit. However, the~~
2026 ~~provisions of this chapter relating to referendum requirements~~
2027 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
2028 ~~escheated thoroughbred horse permit. As specified in the~~
2029 ~~application and upon approval by the division of an application~~
2030 ~~for the permit, the new permitholder shall be authorized to~~

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2031 ~~operate a thoroughbred horse facility anywhere in the same~~
2032 ~~county in which the escheated permit was authorized to be~~
2033 ~~operated, notwithstanding the provisions of s. 550.054(2)~~
2034 ~~relating to mileage limitations.~~

2035 ~~(7) If a thoroughbred permitholder fails to operate all~~
2036 ~~performances on its 2001-2002 license, failure to pay tax on~~
2037 ~~handle for a full schedule of live races for those performances~~
2038 ~~in the 2001-2002 fiscal year does not constitute failure to pay~~
2039 ~~taxes on handle for a full schedule of live races in a fiscal~~
2040 ~~year for the purposes of subsection (3). This subsection may not~~
2041 ~~be construed as forgiving a thoroughbred permitholder from~~
2042 ~~paying taxes on performances conducted at its facility pursuant~~
2043 ~~to its 2001-2002 license other than for failure to operate all~~
2044 ~~performances on its 2001-2002 license. This subsection expires~~
2045 ~~July 1, 2003.~~

2046 Section 9. Section 550.3345, Florida Statutes, is amended
2047 to read:

2048 550.3345 ~~Conversion of quarter horse permit to a Limited~~
2049 ~~thoroughbred racing permit.-~~

2050 (1) In recognition of the important and long-standing
2051 economic contribution of the thoroughbred horse breeding
2052 industry to this state and the state's vested interest in
2053 promoting the continued viability of this agricultural activity,
2054 the state intends to provide a limited opportunity for the
2055 conduct of live thoroughbred horse racing with the net revenues
2056 from such racing dedicated to the enhancement of thoroughbred
2057 purses and breeders', stallion, and special racing awards under
2058 this chapter; the general promotion of the thoroughbred horse
2059 breeding industry; and the care in this state of thoroughbred

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2060 horses retired from racing.

2061 (2) A limited thoroughbred racing permit previously
2062 converted from ~~Notwithstanding any other provision of law, the~~
2063 ~~holder of a quarter horse racing permit pursuant to chapter~~
2064 2010-29, Laws of Florida, issued under s. 550.334 may only be
2065 held by, ~~within 1 year after the effective date of this section,~~
2066 ~~apply to the division for a transfer of the quarter horse racing~~
2067 ~~permit to a not-for-profit corporation formed under state law to~~
2068 ~~serve the purposes of the state as provided in subsection (1).~~
2069 ~~The board of directors of the not-for-profit corporation must be~~
2070 composed ~~comprised~~ of 11 members, 4 of whom shall be designated
2071 by the applicant, 4 of whom shall be designated by the Florida
2072 Thoroughbred Breeders' Association, and 3 of whom shall be
2073 designated by the other 8 directors, with at least 1 of these 3
2074 members being an authorized representative of another
2075 thoroughbred racing permitholder in this state. A limited
2076 thoroughbred racing ~~The not-for-profit corporation shall submit~~
2077 ~~an application to the division for review and approval of the~~
2078 ~~transfer in accordance with s. 550.054. Upon approval of the~~
2079 ~~transfer by the division, and notwithstanding any other~~
2080 ~~provision of law to the contrary, the not-for-profit corporation~~
2081 ~~may, within 1 year after its receipt of the permit, request that~~
2082 ~~the division convert the quarter horse racing permit to a permit~~
2083 ~~authorizing the holder to conduct pari-mutuel wagering meets of~~
2084 ~~thoroughbred racing. Neither the transfer of the quarter horse~~
2085 ~~racing permit nor its conversion to a limited thoroughbred~~
2086 ~~permit shall be subject to the mileage limitation or the~~
2087 ~~ratification election as set forth under s. 550.054(2) or s.~~
2088 ~~550.0651. Upon receipt of the request for such conversion, the~~

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2089 ~~division shall timely issue a converted permit. The converted~~
2090 permit and the not-for-profit corporation are ~~shall be~~ subject
2091 to the following requirements:

2092 (a) All net revenues derived by the not-for-profit
2093 corporation under the thoroughbred ~~horse~~ racing permit, after
2094 the funding of operating expenses and capital improvements,
2095 shall be dedicated to the enhancement of thoroughbred purses and
2096 breeders', stallion, and special racing awards under this
2097 chapter; the general promotion of the thoroughbred horse
2098 breeding industry; and the care in this state of thoroughbred
2099 horses retired from racing.

2100 (b) From December 1 through April 30, ~~no~~ live thoroughbred
2101 racing may not be conducted under the permit on any day during
2102 which another thoroughbred racing permitholder is conducting
2103 live thoroughbred racing within 125 air miles of the not-for-
2104 profit corporation's pari-mutuel facility unless the other
2105 thoroughbred racing permitholder gives its written consent.

2106 (c) After ~~the conversion of the quarter horse racing permit~~
2107 ~~and the~~ issuance of its initial license to conduct pari-mutuel
2108 wagering meets of thoroughbred racing, the not-for-profit
2109 corporation shall annually apply to the division for a license
2110 pursuant to s. 550.5251.

2111 (d) Racing under the permit may take place only at the
2112 location for which the original quarter horse racing permit was
2113 issued, which may be leased by the not-for-profit corporation
2114 for that purpose; ~~however, the not-for-profit corporation may,~~
2115 ~~without the conduct of any ratification election pursuant to s.~~
2116 ~~550.054(13) or s. 550.0651, move the location of the permit to~~
2117 ~~another location in the same county provided that such~~

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2118 ~~relocation is approved under the zoning and land use regulations~~
2119 ~~of the applicable county or municipality.~~

2120 (e) A limited thoroughbred racing ~~Ne~~ permit may not be
2121 transferred ~~converted under this section is eligible for~~
2122 ~~transfer~~ to another person or entity.

2123 (3) Unless otherwise provided in this section, ~~after~~
2124 ~~conversion,~~ the permit and the not-for-profit corporation shall
2125 be treated under the laws of this state as a thoroughbred racing
2126 permit and as a thoroughbred racing permitholder, respectively,
2127 with the exception of ss. 550.054(9)(c) and 550.09515(3) ~~s.~~
2128 ~~550.09515(3).~~

2129 Section 10. Subsections (1), (4), and (5) of section
2130 550.6308, Florida Statutes, are amended to read:

2131 550.6308 Limited intertrack wagering license.—In
2132 recognition of the economic importance of the thoroughbred
2133 breeding industry to this state, its positive impact on tourism,
2134 and of the importance of a permanent thoroughbred sales facility
2135 as a key focal point for the activities of the industry, a
2136 limited license to conduct intertrack wagering is established to
2137 ensure the continued viability and public interest in
2138 thoroughbred breeding in Florida.

2139 (1) Upon application to the division on or before January
2140 31 of each year, any person that is licensed to conduct public
2141 sales of thoroughbred horses pursuant to s. 535.01 and, that has
2142 conducted at least 8 ~~15~~ days of thoroughbred horse sales at a
2143 permanent sales facility in this state for at least 3
2144 consecutive years, ~~and that has conducted at least 1 day of~~
2145 ~~nonwagering thoroughbred racing in this state, with a purse~~
2146 ~~structure of at least \$250,000 per year for 2 consecutive years~~

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2147 before such application, shall be issued a license, subject to
2148 the conditions set forth in this section, to conduct intertrack
2149 wagering at such a permanent sales facility ~~during the following~~
2150 ~~periods:~~

2151 ~~(a) Up to 21 days in connection with thoroughbred sales;~~

2152 ~~(b) Between November 1 and May 8;~~

2153 ~~(c) Between May 9 and October 31 at such times and on such~~
2154 ~~days as any thoroughbred, jai alai, or a greyhound permitholder~~
2155 ~~in the same county is not conducting live performances; provided~~
2156 ~~that any such permitholder may waive this requirement, in whole~~
2157 ~~or in part, and allow the licensee under this section to conduct~~
2158 ~~intertrack wagering during one or more of the permitholder's~~
2159 ~~live performances; and~~

2160 ~~(d) During the weekend of the Kentucky Derby, the~~
2161 ~~Preakness, the Belmont, and a Breeders' Cup Meet that is~~
2162 ~~conducted before November 1 and after May 8.~~

2163
2164 Only ~~No more than~~ one such license may be issued, and no such
2165 license may be issued for a facility located within 50 miles of
2166 any for-profit thoroughbred permitholder's track.

2167 ~~(4) Intertrack wagering under this section may be conducted~~
2168 ~~only on thoroughbred horse racing, except that intertrack~~
2169 ~~wagering may be conducted on any class of pari-mutuel race or~~
2170 ~~game conducted by any class of permitholders licensed under this~~
2171 ~~chapter if all thoroughbred, jai alai, and greyhound~~
2172 ~~permitholders in the same county as the licensee under this~~
2173 ~~section give their consent.~~

2174 (4)~~(5)~~ The licensee shall be considered a guest track under
2175 this chapter. ~~The licensee shall pay 2.5 percent of the total~~

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2176 ~~contributions to the daily pari-mutuel pool on wagers accepted~~
2177 ~~at the licensee's facility on greyhound races or jai alai games~~
2178 ~~to the thoroughbred permitholder that is conducting live races~~
2179 ~~for purses to be paid during its current racing meet. If more~~
2180 ~~than one thoroughbred permitholder is conducting live races on a~~
2181 ~~day during which the licensee is conducting intertrack wagering~~
2182 ~~on greyhound races or jai alai games, the licensee shall~~
2183 ~~allocate these funds between the operating thoroughbred~~
2184 ~~permitholders on a pro rata basis based on the total live handle~~
2185 ~~at the operating permitholders' facilities.~~

2186 Section 11. Subsections (4), (10), and (11) of section
2187 551.102, Florida Statutes, are amended to read:

2188 551.102 Definitions.—As used in this chapter, the term:

2189 (4) "Eligible facility" means any licensed pari-mutuel
2190 ~~facility located in Miami Dade County or Broward County existing~~
2191 ~~at the time of adoption of s. 23, Art. X of the State~~
2192 ~~Constitution that has conducted live racing or games during~~
2193 ~~calendar years 2002 and 2003 and has been approved by a majority~~
2194 ~~of voters in a countywide referendum to have slot machines at~~
2195 ~~such facility in the respective county; any licensed pari-mutuel~~
2196 ~~facility located within a county as defined in s. 125.011,~~
2197 ~~provided such facility has conducted live racing for 2~~
2198 ~~consecutive calendar years immediately preceding its application~~
2199 ~~for a slot machine license, pays the required license fee, and~~
2200 ~~meets the other requirements of this chapter; or any licensed~~
2201 ~~pari-mutuel facility in any other county in which a majority of~~
2202 ~~voters have approved slot machines at such facilities in a~~
2203 ~~countywide referendum held pursuant to a statutory or~~
2204 ~~constitutional authorization after the effective date of this~~

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2205 ~~section in the respective county, provided such facility has~~
 2206 ~~conducted a full schedule of live racing for 2 consecutive~~
 2207 ~~calendar years immediately preceding its application for a slot~~
 2208 ~~machine license, pays the required licensed fee, and meets the~~
 2209 ~~other requirements of this chapter.~~

2210 (10) "Slot machine license" means a license issued by the
 2211 division authorizing a pari-mutuel permitholder to place and
 2212 operate slot machines as provided in ~~by s. 23, Art. X of the~~
 2213 ~~State Constitution, the provisions of this chapter, and by~~
 2214 ~~division rule rules.~~

2215 (11) "Slot machine licensee" means a pari-mutuel
 2216 permitholder which ~~who~~ holds a license issued by the division
 2217 pursuant to this chapter which ~~that~~ authorizes such person to
 2218 possess a slot machine ~~within facilities specified in s. 23,~~
 2219 ~~Art. X of the State Constitution and allows slot machine gaming.~~

2220 Section 12. Subsections (1) and (2) and paragraph (c) of
 2221 subsection (4) of section 551.104, Florida Statutes, are amended
 2222 to read:

2223 551.104 License to conduct slot machine gaming.—

2224 (1) Upon application, and a finding by the division after
 2225 investigation that the application is complete and that the
 2226 applicant is qualified, and payment of the initial license fee,
 2227 the division may issue a license to conduct slot machine gaming
 2228 in the designated slot machine gaming area of the eligible
 2229 facility. Once licensed, slot machine gaming may be conducted
 2230 subject to ~~the requirements of this chapter and rules adopted~~
 2231 pursuant thereto. The division may not issue a slot machine
 2232 license to any pari-mutuel permitholder that includes, or
 2233 previously included within its ownership group, an ultimate

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2234 equitable owner that was also an ultimate equitable owner of a
2235 pari-mutuel permitholder whose permit was voluntarily or
2236 involuntarily surrendered, suspended, or revoked by the division
2237 within 10 years before the date of the permitholder's filing of
2238 an application for a slot machine license.

2239 (2) An application may be approved by the division only
2240 after:

2241 (a) The voters of the county where the applicant's facility
2242 is located have authorized by referendum slot machines within
2243 pari-mutuel facilities located in: ~~that county as specified in~~
2244 ~~s. 23, Art. X of the State Constitution~~

2245 1. Miami-Dade County or Broward County existing at the time
2246 of adoption of s. 23, Art. X of the State Constitution which
2247 conducted live racing or games during calendar years 2002 and
2248 2003, if such permitholder pays the required license fee and
2249 meets the other requirements of this chapter.

2250 2. A county as defined in s. 125.011, provided such
2251 facility has conducted live racing for 2 consecutive calendar
2252 years immediately preceding its application for a slot machine
2253 license, pays the required license fee, and meets the other
2254 requirements of this chapter.

2255 3. Any other county, provided:

2256 a. Such facility has conducted a full schedule of live
2257 racing or games, as defined in s. 550.002(11), for 2 consecutive
2258 calendar years immediately preceding its application for a slot
2259 machine license, pays the required license fee, and meets the
2260 other requirements of this chapter, and such referendum was
2261 conducted after January 1, 2012, and on or before September 1,
2262 2018; or

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2263 b. Such facility is located on or contiguous with property
2264 of the qualified project of a public-private partnership between
2265 the permitholder and a responsible public entity in accordance
2266 with s. 255.065 and for which a comprehensive agreement has been
2267 executed pursuant to s. 255.065 (7), has conducted a full
2268 schedule of live racing or games, as defined in s. 550.002(11),
2269 for 2 consecutive calendar years immediately preceding its
2270 application, pays the required license fee and meets the other
2271 requirements of this chapter, and such referendum is conducted
2272 after the effective date of this act and on or before September
2273 1, 2018.

2274 (b) The applicant, for a facility described in subparagraph
2275 (a)3., irrevocably surrenders to the division one greyhound
2276 racing permit or one jai alai permit issued pursuant to chapter
2277 550 and, after surrendering such permit, continues to hold the
2278 permit authorizing pari-mutuel wagering activities at the
2279 location at which the applicant intends to operate slot machine
2280 gaming. For a permit to be qualified for surrender by an
2281 applicant under this paragraph, the holder of such greyhound
2282 racing permit or jai alai permit, including any previous owner
2283 of such permit, must have conducted a full schedule of live
2284 racing or games, as defined in s. 550.002(11), under such permit
2285 for not less than the 5 state fiscal years immediately prior to
2286 state fiscal year 2018-2019. Upon the surrender of such
2287 greyhound racing permit or jai alai permit, the surrendered
2288 permit is void and may not be reissued.

2289 (4) As a condition of licensure and to maintain continued
2290 authority for the conduct of slot machine gaming, a ~~the~~ slot
2291 machine licensee shall:

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2292 (c)1. Conduct no less ~~fewer~~ than a full schedule of live
2293 racing or games as defined in s. 550.002(11), unless conducting
2294 less than a full schedule of live racing or games pursuant to s.
2295 550.01215(1)(b) or (c). A permitholder's responsibility to
2296 conduct a full schedule ~~such number~~ of live races or games, as
2297 defined in s. 550.002(11), shall be reduced by the number of
2298 races or games that could not be conducted due to the direct
2299 result of fire, war, hurricane, or other disaster or event
2300 beyond the control of the permitholder. A permitholder may
2301 conduct live races or games at another pari-mutuel facility
2302 pursuant to s. 550.475 if such permitholder has operated its
2303 live races or games by lease for at least 5 consecutive years
2304 immediately prior to the permitholder's application for a slot
2305 machine license.

2306 2.a. If not licensed to conduct a full schedule of live
2307 racing or games, as defined in s. 550.002(11), pursuant to s.
2308 550.01215(1)(b) or (c), remit each month to each qualified
2309 thoroughbred permitholder, by electronic funds transfer, an
2310 amount equal to one-twelfth of the lesser of \$1.5 million or
2311 2.75 percent of its slot machine revenues from the previous
2312 state fiscal year, divided by the total number of qualified
2313 thoroughbred permitholders for the applicable state fiscal year.
2314 Qualified thoroughbred permitholders shall use such payments
2315 exclusively for purses and awards for live thoroughbred horse
2316 races held at the qualified thoroughbred permitholder's racing
2317 facility. For the purposes of this subparagraph, the term
2318 "qualified thoroughbred permitholder" means a thoroughbred
2319 permitholder conducting, in the applicable state fiscal year, no
2320 less than a full schedule of live racing or games, as defined in

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2321 s. 550.002(11), and no fewer live thoroughbred horse racing
2322 performances than such permitholder conducted in state fiscal
2323 year 2017-2018. The term does not include a permitholder whose
2324 permit was issued pursuant to s. 550.3345 or a permitholder
2325 leasing at another thoroughbred permitholder's facility pursuant
2326 to s. 550.475.

2327 b. The division shall notify each slot machine licensee
2328 required to remit such payments, not later than 15 days after
2329 issuing the slot machine license, of the qualified thoroughbred
2330 permitholders to which such payments must be paid. Each
2331 qualified thoroughbred permitholder shall provide each slot
2332 machine licensee required to remit payments pursuant to this
2333 subparagraph with written instructions for transmitting such
2334 electronic payments. Such payments shall be remitted to each
2335 qualified thoroughbred permitholder on the fifth day of each
2336 calendar month. If the fifth day of the calendar month falls on
2337 a weekend, such payment shall be remitted on the first Monday
2338 following the weekend.

2339 c. A qualified thoroughbred permitholder receiving funds
2340 under this subparagraph shall remit, within 10 days after
2341 receipt, 10 percent of those funds to the Florida Thoroughbred
2342 Breeders' Association, Inc., for the payment of breeders',
2343 stallion, and special racing awards, subject to the fee
2344 authorized in s. 550.2625(3).

2345 Section 13. Subsections (3) and (5) of section 551.106,
2346 Florida Statutes, are redesignated as subsections (4) and (6),
2347 respectively, a new subsection (3) is added to that section, and
2348 subsections (1), (2), and present subsection (4) of that section
2349 are amended, to read:

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2350 551.106 License fee; tax rate; penalties.—

2351 (1) LICENSE FEE.—

2352 ~~(a) Upon submission of the initial application for a slot~~
2353 ~~machine license, and annually thereafter, on the anniversary~~
2354 ~~date of the issuance of the initial license, the licensee must~~
2355 ~~pay to the division a nonrefundable license fee of \$3 million~~
2356 ~~for the succeeding 12 months of licensure. In the 2010-2011~~
2357 ~~fiscal year, the licensee must pay the division a nonrefundable~~
2358 ~~license fee of \$2.5 million for the succeeding 12 months of~~
2359 ~~licensure. In the 2011-2012 fiscal year and for every fiscal~~
2360 ~~year thereafter, the licensee must pay the division a~~
2361 ~~nonrefundable license fee of \$2 million for the succeeding 12~~
2362 ~~months of licensure. The license fee must ~~shall~~ be deposited~~
2363 ~~into the Pari-mutuel Wagering Trust Fund of the Department of~~
2364 ~~Business and Professional Regulation to be used by the division~~
2365 ~~and the Department of Law Enforcement for investigations,~~
2366 ~~regulation of slot machine gaming, and enforcement of slot~~
2367 ~~machine gaming provisions under this chapter. These payments~~
2368 ~~must ~~shall~~ be accounted for separately from taxes or fees paid~~
2369 ~~pursuant to the provisions of chapter 550.~~

2370 ~~(b) Prior to January 1, 2007, the division shall evaluate~~
2371 ~~the license fee and shall make recommendations to the President~~
2372 ~~of the Senate and the Speaker of the House of Representatives~~
2373 ~~regarding the optimum level of slot machine license fees in~~
2374 ~~order to adequately support the slot machine regulatory program.~~

2375 (2) TAX ON SLOT MACHINE REVENUES.—

2376 (a) 1. The tax rate on slot machine revenues at each
2377 facility is ~~shall be~~ 35 percent. Effective January 1, 2019, the
2378 tax rate on slot machine revenues at each facility is 30

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2379 percent. Effective July 1, 2020, the tax rate on slot machine
2380 revenues at each facility is 25 percent.

2381 2.a. If, during any state fiscal year, the aggregate amount
2382 of tax paid to the state by all slot machine licensees in
2383 Broward and Miami-Dade Counties is less than the aggregate
2384 amount of tax paid to the state by all slot machine licensees in
2385 those counties in the 2017-2018 2008-2009 fiscal year, each slot
2386 machine licensee shall pay to the state within 45 days after the
2387 end of the state fiscal year a surcharge equal to its pro rata
2388 share of an amount equal to the difference between the aggregate
2389 amount of tax paid to the state by all slot machine licensees in
2390 the 2008-2009 fiscal year and the amount of tax paid during the
2391 fiscal year.

2392 b. The amount of the surcharge to be paid by each such
2393 licensee must be calculated by dividing the aggregate amount of
2394 slot machine taxes paid to the state by all such slot machine
2395 licensees in the 2017-2018 fiscal year by the aggregate amount
2396 of slot machine taxes paid by all such licensees during the
2397 applicable state fiscal year, multiplying the result by the
2398 amount of slot machine taxes paid by the licensee during the
2399 applicable state fiscal year, and then subtracting from that
2400 product the amount of slot machine taxes paid by the licensee
2401 during the applicable state fiscal year. However, the sum of the
2402 taxes paid by a licensee pursuant to subparagraph 1. and any
2403 surcharge due from the licensee may not exceed 35 percent of the
2404 slot machine revenue of that licensee in the applicable state
2405 fiscal year ~~Each licensee's pro rata share shall be an amount~~
2406 ~~determined by dividing the number 1 by the number of facilities~~
2407 ~~licensed to operate slot machines during the applicable fiscal~~

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2408 ~~year, regardless of whether the facility is operating such~~
2409 ~~machines.~~

2410 (b) The slot machine revenue tax imposed by this section on
2411 facilities licensed pursuant to s. 551.104(2)(a)1., 2., or 3.a.
2412 must ~~shall~~ be paid to the division for deposit into the Pari-
2413 mutuel Wagering Trust Fund for immediate transfer by the Chief
2414 Financial Officer for deposit into the Educational Enhancement
2415 Trust Fund of the Department of Education. Any interest earnings
2416 on the tax revenues must ~~shall~~ also be transferred to the
2417 Educational Enhancement Trust Fund. The slot machine revenue tax
2418 imposed by this section on facilities licensed pursuant to s.
2419 551.104(2)(a)3.b. must be paid to the division for deposit into
2420 the Pari-mutuel Wagering Trust Fund. The division must transfer
2421 90 percent of such funds to be deposited by the Chief Financial
2422 Officer into the Educational Enhancement Trust Fund of the
2423 Department of Education and must transfer 10 percent of such
2424 funds to the responsible public entity for the public-private
2425 partnership of the slot machine licensee pursuant to ss.
2426 551.104(2)(a)3.b. and 255.065.

2427 (c)1. Funds transferred to the Educational Enhancement
2428 Trust Fund under paragraph (b) must ~~shall~~ be used to supplement
2429 public education funding statewide. Funds transferred to a
2430 responsible public entity pursuant to paragraph (b) must be used
2431 in accordance with s. 255.065 to finance the qualifying project
2432 of such entity and the slot machine licensee, which established
2433 the licensee's eligibility for initial licensure pursuant to s.
2434 551.104(2)(a)3.b.

2435 2. If necessary to comply with any covenant established
2436 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),

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2437 funds transferred to the Educational Enhancement Trust Fund
2438 under paragraph (b) must ~~shall~~ first be available to pay debt
2439 service on lottery bonds issued to fund school construction in
2440 the event lottery revenues are insufficient for such purpose or
2441 to satisfy debt service reserve requirements established in
2442 connection with lottery bonds. Moneys available pursuant to this
2443 subparagraph are subject to annual appropriation by the
2444 Legislature.

2445 (3) SLOT MACHINE GUARANTEE FEE; SURCHARGE.-

2446 (a) If a permitholder located within a county that has
2447 conducted a successful slot machine referendum after January 1,
2448 2012, does not pay at least \$10 million in total slot machine
2449 taxes and license fees to the state in state fiscal year 2018-
2450 2019, the permitholder shall pay to the state within 45 days
2451 after the end of the state fiscal year a surcharge equal to the
2452 difference between the aggregate amount of slot machine taxes
2453 and license fees paid to the state in the fiscal year and \$10
2454 million, regardless of whether the permitholder or licensee
2455 operated slot machines during the fiscal year.

2456 (b) If a permitholder located within a county that has
2457 conducted a successful slot machine referendum after January 1,
2458 2012, does not pay at least \$20 million in total slot machine
2459 taxes and license fees to the state in state fiscal year 2019-
2460 2020 and any subsequent state fiscal year, the permitholder
2461 shall pay to the state within 45 days after the end of the state
2462 fiscal year a surcharge equal to the difference between the
2463 aggregate amount of slot machine taxes and license fees paid to
2464 the state in the fiscal year and \$20 million, regardless of
2465 whether the permitholder or licensee operated slot machines

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2466 during the fiscal year.

2467 (5)~~(4)~~ TO PAY TAX; PENALTIES.—A slot machine licensee who
2468 fails to make tax and any applicable surcharge payments as
2469 required under this section is subject to an administrative
2470 penalty of up to \$10,000 for each day the tax payment is not
2471 remitted. All administrative penalties imposed and collected
2472 must ~~shall~~ be deposited into the Pari-mutuel Wagering Trust Fund
2473 of the Department of Business and Professional Regulation. If
2474 any slot machine licensee fails to pay penalties imposed by
2475 order of the division under this subsection, the division may
2476 deny, suspend, revoke, or refuse to renew the license of the
2477 permitholder or slot machine licensee.

2478 Section 14. Subsections (1), (2), and (4) of section
2479 551.114, Florida Statutes, are amended to read:

2480 551.114 Slot machine gaming areas.—

2481 (1) (a) A slot machine licensee whose initial license was
2482 issued before January 1, 2018, may make available for play up
2483 to:

2484 1. 1,600 ~~2,000~~ slot machines within the property of the
2485 facilities of the slot machine licensee, if the licensee made
2486 available for play 1,250 or more slot machines during state
2487 fiscal year 2016-2017.

2488 2. 1,200 slot machines within the property of the
2489 facilities of the slot machine licensee, if the licensee made
2490 available for play 1,000 or more slot machines, but less than
2491 1,250 slot machines, during state fiscal year 2016-2017.

2492 3. 1,000 slot machines within the property of the
2493 facilities of the slot machine licensee, if the licensee made
2494 available for play less than 1,000 slot machines during state

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2495 fiscal year 2016-2017.

2496 (b)1. A slot machine licensee whose initial license was
2497 issued on or after January 1, 2018, may make available for play
2498 up to 750 slot machines within the property of the facilities of
2499 the slot machine licensee; provided however, the total number of
2500 slot machines which may be made available for play by all slot
2501 machine licensees whose initial license was issued after January
2502 1, 2018, may not exceed 6,000 slot machines.

2503 2. If the total number of slot machines which all licensees
2504 whose initial license was issued on or after January 1, 2018,
2505 would exceed 6,000 slot machines if each such licensee were to
2506 operate 750 slot machines, the maximum number of slot machines
2507 each such licensee may make available for play may not exceed
2508 6,000 divided by the number of licensees whose initial license
2509 was issued after January 1, 2018.

2510 (2) If such races or games are available to the slot
2511 machine licensee, the slot machine licensee shall display pari-
2512 mutuel races or games within the designated slot machine gaming
2513 areas and offer patrons within the designated slot machine
2514 gaming areas the ability to engage in pari-mutuel wagering on
2515 any live, intertrack, and simulcast races conducted or offered
2516 to patrons of the licensed facility.

2517 (4) Designated slot machine gaming areas shall ~~may~~ be
2518 located anywhere within the property described in a slot machine
2519 licensee's pari-mutuel permit ~~within the current live gaming~~
2520 ~~facility or in an existing building that must be contiguous and~~
2521 ~~connected to the live gaming facility. If a designated slot~~
2522 ~~machine gaming area is to be located in a building that is to be~~
2523 ~~constructed, that new building must be contiguous and connected~~

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2524 ~~to the live gaming facility.~~

2525 Section 15. Section 551.116, Florida Statutes, is amended
2526 to read:

2527 551.116 Days and hours of operation.—Slot machine gaming
2528 areas may be open 24 hours per day, 7 days a week daily
2529 throughout the year. ~~The slot machine gaming areas may be open a~~
2530 ~~cumulative amount of 18 hours per day on Monday through Friday~~
2531 ~~and 24 hours per day on Saturday and Sunday and on those~~
2532 ~~holidays specified in s. 110.117(1).~~

2533 Section 16. Present subsections (9) through (17) of section
2534 849.086, Florida Statutes, are redesignated as subsections (10)
2535 through (18), respectively, a new subsection (9) is added to
2536 that section, subsections (1) and (2) of that section are
2537 amended, paragraph (g) is added to subsection (4) of that
2538 section, and paragraph (b) of subsection (5), paragraphs (a),
2539 (b), and (c) of subsection (7), paragraph (a) of subsection (8),
2540 present subsection (12), and paragraphs (d) and (h) of present
2541 subsection (13) are amended, to read:

2542 849.086 Cardrooms authorized.—

2543 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
2544 to provide additional entertainment choices for the residents of
2545 and visitors to the state, promote tourism in the state, provide
2546 revenues to support the continuation of live pari-mutuel
2547 activity, and provide additional state revenues through the
2548 authorization of the playing of certain games in the state at
2549 facilities known as cardrooms which are to be located at
2550 licensed pari-mutuel facilities. To ensure the public confidence
2551 in the integrity of authorized cardroom operations, this act is
2552 designed to strictly regulate the facilities, persons, and

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2553 procedures related to cardroom operations. Furthermore, the
2554 Legislature finds that authorized games of poker and dominoes ~~as~~
2555 ~~herein defined~~ are considered to be pari-mutuel style games and
2556 not casino gaming because the participants play against each
2557 other instead of against the house.

2558 (2) DEFINITIONS.—As used in this section:

2559 (a) "Authorized game" means a game or series of games of
2560 poker, including designated player games, played in conformance
2561 with this section and in a manner consistent with the rules and
2562 requirements specified in the 1974 edition of Hoyle's Modern
2563 Encyclopedia of Card Games: Rules of All the Basic Games and
2564 Popular Variations and including three card poker, or dominoes
2565 played in conformance with this section ~~or dominoes which are~~
2566 ~~played in a nonbanking manner.~~

2567 (b) "Banking game" means a game in which the house is a
2568 participant in the game, taking on players, paying winners, and
2569 collecting from losers ~~or in which the cardroom establishes a~~
2570 ~~bank against which participants play.~~ A designated player game
2571 is not a banking game.

2572 (c) "Cardroom" means a facility where authorized games are
2573 played for money or anything of value and to which the public is
2574 invited to participate in such games and charged a fee for
2575 participation by the operator of such facility. Authorized games
2576 and cardrooms do not constitute casino gaming operations if
2577 conducted at an eligible facility.

2578 (d) "Cardroom management company" means any individual not
2579 an employee of the cardroom operator, any proprietorship,
2580 partnership, corporation, or other entity that enters into an
2581 agreement with a cardroom operator to manage, operate, or

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2582 otherwise control the daily operation of a cardroom.

2583 (e) "Cardroom distributor" means any business that
2584 distributes cardroom paraphernalia such as card tables, betting
2585 chips, chip holders, dominoes, dominoes tables, drop boxes,
2586 banking supplies, playing cards, card shufflers, and other
2587 associated equipment to authorized cardrooms.

2588 (f) "Cardroom operator" means a licensed pari-mutuel
2589 permitholder that ~~which~~ holds a valid permit and license issued
2590 by the division pursuant to chapter 550 and which also holds a
2591 valid cardroom license issued by the division pursuant to this
2592 section which authorizes such person to operate a cardroom and
2593 to conduct authorized games in such cardroom.

2594 (g) "Designated player" means the player identified for
2595 each game by a button that rotates clockwise before each hand
2596 begins as the player in the dealer position and seated at a
2597 traditional player position in a designated player game who pays
2598 winning players and collects from losing players.

2599 (h) "Designated player game" means a game in which the
2600 players compare their cards only to the cards of the designated
2601 player or to a combination of cards held by the designated
2602 player and cards common and available for play by all players.

2603 (i) ~~(g)~~ "Division" means the Division of Pari-mutuel
2604 Wagering of the Department of Business and Professional
2605 Regulation.

2606 (j) ~~(h)~~ "Dominoes" means a game of dominoes typically played
2607 with a set of 28 flat rectangular blocks, called "bones," which
2608 are marked on one side and divided into two equal parts, with
2609 zero to six dots, called "pips," in each part. The term also
2610 includes larger sets of blocks that contain a correspondingly

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2611 higher number of pips. The term also means the set of blocks
2612 used to play the game.

2613 (k)~~(i)~~ "Gross receipts" means the total amount of money
2614 received by a cardroom from any person for participation in
2615 authorized games.

2616 (l)~~(j)~~ "House" means the cardroom operator and all
2617 employees of the cardroom operator.

2618 (m)~~(k)~~ "Net proceeds" means the total amount of gross
2619 receipts received by a cardroom operator from cardroom
2620 operations less direct operating expenses related to cardroom
2621 operations, including labor costs, admission taxes only if a
2622 separate admission fee is charged for entry to the cardroom
2623 facility, gross receipts taxes imposed on cardroom operators by
2624 this section, the annual cardroom license fees imposed by this
2625 section on each table operated at a cardroom, and reasonable
2626 promotional costs excluding officer and director compensation,
2627 interest on capital debt, legal fees, real estate taxes, bad
2628 debts, contributions or donations, or overhead and depreciation
2629 expenses not directly related to the operation of the cardrooms.

2630 (n)~~(l)~~ "Rake" means a set fee or percentage of the pot
2631 assessed by a cardroom operator for providing the services of a
2632 dealer, table, or location for playing the authorized game.

2633 (o)~~(m)~~ "Tournament" means a series of games that have more
2634 than one betting round involving one or more tables and where
2635 the winners or others receive a prize or cash award.

2636 (4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel
2637 Wagering of the Department of Business and Professional
2638 Regulation shall administer this section and regulate the
2639 operation of cardrooms under this section and the rules adopted

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2640 pursuant thereto, and is hereby authorized to:

2641 (g) Establish a reasonable period to respond to requests
2642 from a licensed cardroom; provided however, the division has a
2643 maximum of 45 days to approve:

2644 1. A cardroom's internal controls or provide the cardroom
2645 with a list of deficiencies as to the internal controls.

2646 2. Rules for a new authorized game submitted by a licensed
2647 cardroom or provide the cardroom with a list of deficiencies as
2648 to those rules.

2649
2650 No later than 10 days after the submission of revised internal
2651 controls or revised rules addressing the deficiencies identified
2652 by the division, the division must review and approve or reject
2653 the revised internal controls or revised rules.

2654 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
2655 operate a cardroom in this state unless such person holds a
2656 valid cardroom license issued pursuant to this section.

2657 (b) After the initial cardroom license is granted, the
2658 application for the annual license renewal shall be made in
2659 conjunction with the applicant's annual application for its
2660 pari-mutuel license. If a permitholder has operated a cardroom
2661 during any of the 3 previous fiscal years and fails to include a
2662 renewal request for the operation of the cardroom in its annual
2663 application for license renewal, the permitholder may amend its
2664 annual application to include operation of the cardroom. ~~In~~
2665 ~~order for a cardroom license to be renewed the applicant must~~
2666 ~~have requested, as part of its pari-mutuel annual license~~
2667 ~~application, to conduct at least 90 percent of the total number~~
2668 ~~of live performances conducted by such permitholder during~~

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2669 ~~either the state fiscal year in which its initial cardroom~~
2670 ~~license was issued or the state fiscal year immediately prior~~
2671 ~~thereto if the permitholder ran at least a full schedule of live~~
2672 ~~racing or games in the prior year. If the application is for a~~
2673 ~~harness permitholder cardroom, the applicant must have requested~~
2674 ~~authorization to conduct a minimum of 140 live performances~~
2675 ~~during the state fiscal year immediately prior thereto. If more~~
2676 ~~than one permitholder is operating at a facility, each~~
2677 ~~permitholder must have applied for a license to conduct a full~~
2678 ~~schedule of live racing.~~

2679 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2680 (a) A cardroom may be operated only at the location
2681 specified on the cardroom license issued by the division, and
2682 such location may only be the location at which the pari-mutuel
2683 permitholder is authorized to conduct pari-mutuel wagering
2684 activities pursuant to such permitholder's valid pari-mutuel
2685 permit or as otherwise authorized by law. ~~Cardroom operations~~
2686 ~~may not be allowed beyond the hours provided in paragraph (b)~~
2687 ~~regardless of the number of cardroom licenses issued for~~
2688 ~~permitholders operating at the pari-mutuel facility.~~

2689 (b) Any cardroom operator may operate a cardroom at the
2690 pari-mutuel facility daily throughout the year, if the
2691 permitholder meets the requirements under paragraph (5) (b). The
2692 cardroom may be open ~~a cumulative amount of 18 hours per day on~~
2693 ~~Monday through Friday and 24 hours per day on Saturday and~~
2694 ~~Sunday and on the holidays specified in s. 110.117(1).~~

2695 (c) A cardroom operator must at all times employ and
2696 provide a nonplaying live dealer at ~~for~~ each table on which
2697 authorized ~~card~~ games ~~which traditionally use a dealer~~ are

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2698 conducted ~~at the cardroom~~. Such dealers may not have a
2699 participatory interest in any game other than the dealing of
2700 cards and may not have an interest in the outcome of the game.
2701 The providing of such dealers by a licensee does not constitute
2702 the conducting of a banking game by the cardroom operator.

2703 (8) METHOD OF WAGERS; LIMITATION.—

2704 (a) ~~No~~ Wagering may not be conducted using money or other
2705 negotiable currency. Games may only be played utilizing a
2706 wagering system whereby all players' money is first converted by
2707 the house to tokens or chips that may ~~which shall~~ be used for
2708 wagering only at that specific cardroom.

2709 (9) DESIGNATED PLAYER GAMES AUTHORIZED.—

2710 (a) A cardroom operator may offer designated player games
2711 consisting of players making wagers against the designated
2712 player. However, not more than 50 percent of the total licensed
2713 tables in a cardroom may offer designated player games. The
2714 designated player must be licensed pursuant to paragraph (6)(b).
2715 Employees of a designated player also must be licensed, and the
2716 designated player shall pay, in addition to the business
2717 occupational fee established pursuant to paragraph (6)(i), an
2718 employee occupational license fee that may not exceed \$500 per
2719 employee for any 12-month period.

2720 (b) A cardroom operator may not serve as a designated
2721 player in any game. The cardroom operator may not have a
2722 financial interest in a designated player in any game. A
2723 cardroom operator may collect a rake in accordance with the rake
2724 structure posted at the table.

2725 (c) If there are multiple designated players at a table,
2726 the dealer button shall be rotated in a clockwise rotation after

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2727 each hand.

2728 (d) A cardroom operator may not allow a designated player
2729 to pay an opposing player who holds a lower-ranked hand.

2730 (e) A designated player may not be required by the rules of
2731 a game or by the rules of a cardroom to cover more than 10 times
2732 the maximum wager for players participating in any one game.

2733 (f) The cardroom, or any cardroom licensee, may not
2734 contract with, or receive compensation other than a posted table
2735 rake from, any player to participate in any game to serve as a
2736 designated player.

2737 (13)~~(12)~~ PROHIBITED ACTIVITIES.—

2738 (a) A ~~No~~ person licensed to operate a cardroom may not
2739 conduct any banking game or any game not specifically authorized
2740 by this section.

2741 (b) A ~~No~~ person who is younger than ~~under~~ 18 years of age
2742 may not be permitted to hold a cardroom or employee license, ~~or~~
2743 to engage in any game conducted therein.

2744 (c) With the exception of mechanical card shufflers, ~~No~~
2745 ~~electronic or mechanical devices, except mechanical card~~
2746 ~~shufflers,~~ may not be used to conduct any authorized game in a
2747 cardroom.

2748 (d) ~~No~~ Cards, game components, or game implements may not
2749 be used in playing an authorized game unless they have ~~such has~~
2750 been furnished or provided to the players by the cardroom
2751 operator.

2752 (14)~~(13)~~ TAXES AND OTHER PAYMENTS.—

2753 (d)1. Each ~~greyhound and jai alai~~ permitholder that
2754 operates a cardroom facility shall use at least 4 percent of
2755 such permitholder's cardroom monthly gross receipts to

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2756 supplement ~~greyhound~~ purses and awards or jai alai prize money,
2757 respectively, during the permitholder's next ensuing pari-mutuel
2758 meet.

2759 2.a. Any permitholder with a cardroom license and
2760 conducting less than a full schedule of live racing or games, as
2761 defined in s. 550.002(11), pursuant to s. 550.01215(1)(b) or (c)
2762 shall remit each month to each qualified thoroughbred
2763 permitholder, by electronic funds transfer, an amount equal to 4
2764 percent of its monthly cardroom gross receipts divided by the
2765 total number of qualified thoroughbred permitholders for a
2766 license year. Qualified thoroughbred permitholders shall use
2767 such payments exclusively for purses and awards for live
2768 thoroughbred horse races held at the qualified thoroughbred
2769 permitholder's racing facility. For the purposes of this
2770 subparagraph, the term "qualified thoroughbred permitholder"
2771 means a thoroughbred permitholder conducting, in the applicable
2772 state fiscal year, no less than a full schedule of live racing
2773 or games, as defined in s. 550.002(11), and no fewer live
2774 thoroughbred horse racing performances than such permitholder
2775 conducted in state fiscal year 2017-2018. The term does not
2776 include a permitholder whose permit was issued pursuant to s.
2777 550.3345 or a permitholder leasing at another thoroughbred
2778 permitholder's facility pursuant to s. 550.475.

2779 b. The division shall notify each cardroom licensee
2780 required to remit such payments, not later than 15 days after
2781 issuing the cardroom license, of the qualified thoroughbred
2782 permitholders to which such payments must be paid. Each
2783 qualified thoroughbred permitholder shall provide each cardroom
2784 licensee required to remit payments pursuant to this

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2785 subparagraph with written instructions for transmitting such
2786 electronic payments. Such payments shall be remitted to each
2787 qualified thoroughbred permitholder on the fifth day of each
2788 calendar month and shall be based upon the preceding month's
2789 cardroom activities. If the fifth day of the calendar month
2790 falls on a weekend, such payment shall be remitted on the first
2791 Monday following the weekend.

2792 c. A qualified thoroughbred permitholder receiving funds
2793 under this subparagraph shall remit, within 10 days after
2794 receipt, 10 percent of those funds to the Florida Thoroughbred
2795 Breeders' Association, Inc., for the payment of breeders',
2796 stallion, and special racing awards, subject to the fee
2797 authorized in s. 550.2625(3).

2798 3. Each thoroughbred and harness horse racing permitholder
2799 that operates a cardroom facility shall use at least 50 percent
2800 of such permitholder's cardroom monthly net proceeds as follows:
2801 47 percent to supplement purses and 3 percent to supplement
2802 breeders' awards during the permitholder's next ensuing racing
2803 meet.

2804 ~~3. No cardroom license or renewal thereof shall be issued~~
2805 ~~to an applicant holding a permit under chapter 550 to conduct~~
2806 ~~pari-mutuel wagering meets of quarter horse racing unless the~~
2807 ~~applicant has on file with the division a binding written~~
2808 ~~agreement between the applicant and the Florida Quarter Horse~~
2809 ~~Racing Association or the association representing a majority of~~
2810 ~~the horse owners and trainers at the applicant's eligible~~
2811 ~~facility, governing the payment of purses on live quarter horse~~
2812 ~~races conducted at the licensee's pari-mutuel facility. The~~
2813 ~~agreement governing purses may direct the payment of such purses~~

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2814 ~~from revenues generated by any wagering or gaming the applicant~~
2815 ~~is authorized to conduct under Florida law. All purses shall be~~
2816 ~~subject to the terms of chapter 550.~~

2817 (h) One-quarter of the moneys deposited into the Pari-
2818 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by
2819 October 1 of each year, be distributed to the local government
2820 that approved the cardroom under subsection (17) ~~(16)~~; however,
2821 if two or more pari-mutuel racetracks are located within the
2822 same incorporated municipality, the cardroom funds shall be
2823 distributed to the municipality. If a pari-mutuel facility is
2824 situated in such a manner that it is located in more than one
2825 county, the site of the cardroom facility shall determine the
2826 location for purposes of disbursement of tax revenues under this
2827 paragraph. The division shall, by September 1 of each year,
2828 determine: the amount of taxes deposited into the Pari-mutuel
2829 Wagering Trust Fund pursuant to this section from each cardroom
2830 licensee; the location by county of each cardroom; whether the
2831 cardroom is located in the unincorporated area of the county or
2832 within an incorporated municipality; and, the total amount to be
2833 distributed to each eligible county and municipality.

2834 Section 17. Subsection (1) of section 849.16, Florida
2835 Statutes, is amended to read:

2836 849.16 Machines or devices which come within provisions of
2837 law defined.—

2838 (1) As used in this chapter, the term "slot machine or
2839 device" means any machine or device or system or network of
2840 devices that is adapted for use in such a way that, upon
2841 activation, which may be achieved by, but is not limited to, the
2842 insertion of any piece of money, coin, account number, code, or

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2843 other object or information, such device or system is directly
2844 or indirectly caused to operate or may be operated and if the
2845 user, whether by application of skill or by reason of any
2846 element of chance or any other outcome unpredictable by the
2847 user, regardless of whether the machine or device or system or
2848 networks of devices includes a preview of the outcome or whether
2849 the outcome is known, displayed, or capable of being known or
2850 displayed to the user, may:

2851 (a) Receive or become entitled to receive any piece of
2852 money, credit, allowance, or thing of value; ~~or~~ any check,
2853 slug, token, or memorandum, whether of value or otherwise, which
2854 may be exchanged for any money, credit, allowance, or thing of
2855 value or which may be given in trade; or the opportunity to
2856 purchase a subsequently displayed outcome that may have a
2857 monetary value, regardless of whether such value is equal to,
2858 greater than, or less than the cost of purchasing such outcome;
2859 or

2860 (b) Secure additional chances or rights to use such
2861 machine, apparatus, or device, even though the device or system
2862 may be available for free play or, in addition to any element of
2863 chance or unpredictable outcome of such operation, may also
2864 sell, deliver, or present some merchandise, indication of
2865 weight, entertainment, or other thing of value. The term "slot
2866 machine or device" includes, but is not limited to, devices
2867 regulated as slot machines pursuant to chapter 551.

2868 Section 18. The Division of Law Revision and Information is
2869 directed to replace the phrase "the effective date of this act"
2870 wherever it appears in this act with the date this act becomes a
2871 law.

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Section 19. This act shall take effect upon becoming a law.