



Conference Committee on Gaming
House Commerce Committee
Senate Committee on Regulated Industries

Side-by-Side

Thursday, March 8, 2018
6:30 PM
404 House Office Building

COMPARISON OF 2018 SENATE AND HOUSE BILLS ON GAMING

3.8.2018; 9am

Line	SENATE – Barcode Amendment #294316 to HB 7067	HOUSE – HB 7067
	<p>SEMINOLE COMPACT § 285.710, FS</p>	
1	Same as House Bill.	Ratifies a new 2018 Gaming Compact with all terms specified in the bill’s text; legislative ratification/approval expires January 1, 2019, if the compact is not effective by that date.
2	Term: 22 years, beginning on effective date (to 2040).	Term: 20 years, beginning from the date the new compact is effective.
3	<p>Authorized Games:</p> <ul style="list-style-type: none"> ▪ Slots (all 7 facilities). ▪ Banked Card Games (all 7 facilities). ▪ Live table games (i.e., Craps & Roulette) - (all 7 facilities). 	<p>Authorized Games:</p> <ul style="list-style-type: none"> ▪ Slots (all 7 facilities). ▪ Banked Card Games (5 of 7 facilities only). <p>No authorization of live table games (craps and roulette).</p>
4	Same as House Bill.	<ol style="list-style-type: none"> 1. Seminole Indian Casino – Brighton 2. Seminole Indian Casino – Coconut Creek 3. Seminole Indian Casino – Hollywood 4. Seminole Indian Casino – Immokalee 5. Seminole Indian Casino – Big Cypress 6. Seminole Hard Rock Hotel & Casino – Hollywood 7. Seminole Hard Rock Hotel & Casino - Tampa
5	Same as the House Bill.	<p>Definition of “Tribe”</p> <p>“means the Seminole Tribe of Florida or any affiliate thereof conducting activities pursuant to this compact under the authority of the Seminole Tribe of Florida.”</p> <p><u>Note:</u> Identical to the definition in the 2010 Compact.</p>

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6	Same as House Bill.	<p>2018 Compact approved and ratified in advance by the Legislature, provided the executed 2018 Compact is identical to that set forth in the HB.</p> <p>Amendment of the compact is subject to written agreement of the parties, with legislative ratification required.</p>																					
7	<p>Same as House Bill.</p> <p><u>Note:</u> Indian Gaming Revenue Estimates per 2010 Compact (January 2018 Conference; before local government share distribution).</p> <table border="0"> <tr> <td>1 - FY 2018-2019</td> <td>\$391.1M</td> <td>(\$322.4M, excluding 2017-18 True-Up)</td> </tr> <tr> <td>2 - FY 2019-2020</td> <td>\$328.2M</td> <td></td> </tr> <tr> <td>3 - FY 2020-2021</td> <td>\$334.1M</td> <td></td> </tr> <tr> <td>4 - FY 2021-2022</td> <td>\$339.9M</td> <td></td> </tr> <tr> <td>5 - FY 2022-2023</td> <td>\$345.5M</td> <td></td> </tr> <tr> <td>6 - FY 2023-2024</td> <td>\$351.0M</td> <td></td> </tr> <tr> <td>7 - FY 2024-2025</td> <td>\$356.3M</td> <td></td> </tr> </table>	1 - FY 2018-2019	\$391.1M	(\$322.4M, excluding 2017-18 True-Up)	2 - FY 2019-2020	\$328.2M		3 - FY 2020-2021	\$334.1M		4 - FY 2021-2022	\$339.9M		5 - FY 2022-2023	\$345.5M		6 - FY 2023-2024	\$351.0M		7 - FY 2024-2025	\$356.3M		<p>Guaranteed Revenue Sharing:</p> <p>7-year guarantee: \$3 billion – 7.1.18-6.30.25</p> <p><u>Annual Payments:</u></p> <ol style="list-style-type: none"> 1- \$325 million 2- \$350 million 3- \$375 million 4- \$425 million 5- \$475 million 6- \$500 million <u>7- \$550 million</u> <p>Total: \$3 Billion guaranteed; True-Up at end of year 7 based on Regular Payment Period percentages of net win.</p>
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8	Same as House Bill.	<p>Percentage Payments on Net Win</p> <p>0-\$2B: 13% (1% increase over 2010 Compact)</p> <p>\$2-3B: 17.5% (2.5% increase over 2010 Compact)</p> <p>\$3-3.5B: 17.5%</p> <p>\$3.5-4B: 20%</p> <p>\$4-4.5B: 22.5%</p> <p>\$4.5B+: 25%</p>																					

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9	<p>Monthly Payment of Monies Due for the Tribe</p> <p>8.3333 percent of the estimated annual Guarantee Payment or Revenue Share Payment due, paid on or before the 15th day of each month.</p> <p>Provisions included for True-Up to the total annual required Guarantee Payments or Revenue Share Payments.</p>	<p>Monthly Payment of Monies Due for the Tribe</p> <p>8.3 percent of the estimated annual Revenue Share Payments due, paid on or before the 15th day of each month.</p> <p>Note: the House Compact specifies that the Tribe’s recent history of flat monthly payments to the state in the amount of \$19.5 million will continue (in lieu of percentage calculations) until the House Compact goes into effect.</p> <p>Provisions included for True-Up to the total annual required Guarantee Payments or Revenue Share Payments.</p>
10	<p>Exclusivity</p> <p>“The intent of this compact is to provide the Tribe with the right to operate Covered Games on an exclusive basis throughout the state, subject to the exceptions and provisions” elsewhere is the compact.</p> <p>If after 1.1.2019, state law is amended implemented or interpreted to allow 1) the operation of Class III gaming or Other Casino-Style Gaming at any location not in operation 1.1.2019; or 2) a new form of Class III Gaming or Other Casino-Style Games that was not in operation on 1.1.2019, the Tribe may elect to begin making the affected portion of its payments into an escrow account.</p>	<p>Exclusivity</p> <p>“The intent of this compact is to provide the Tribe with the right to operate Covered Games on an exclusive basis throughout the state, subject to the exceptions and provisions” elsewhere is the compact.</p> <p>If after 1.1.2018, state law is amended implemented or interpreted to allow 1) the operation of Class III gaming or Other Casino-Style Gaming at any location not in operation 1.1.2018; or 2) a new form of Class III Gaming or Other Casino-Style Games that was not in operation on 1.1.2018, the Tribe may elect to begin making the affected portion of its payments into an escrow account.</p>

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11	<p>Exceptions for Tribe Exclusivity provided for:</p> <ul style="list-style-type: none"> ▪ Fantasy contests (both as to internet gaming provisions and additional Class III gaming): <ol style="list-style-type: none"> 1. Prizes must be unrelated to the number of players and must be known in advance; 2. Operators “shall not display or depict contests using casino graphics, themes or titles, including . . . depictions of slot machine-style symbols, cards, craps, roulette, or lotto.” ▪ Designated player poker games to be played at <u>all</u> cardrooms. ▪ Operation of games <u>authorized</u> under chapters 546 and 849, F.S., <u>as of 1.1.2019</u>. ▪ Slot Machines: Operation of slot machines, not including games played with tangible playing cards, at: <ol style="list-style-type: none"> 1. Each of the 4 currently operating licensed pari-mutuel facilities and the 4 currently operating licensed pari-mutuel facilities in Miami-Dade Counties, whether or not currently operating slot machines, provided that such licenses are not transferred or otherwise used to move or operate slot machines at any other location. Same as House Bill. 2. Pari-mutuel facilities in referendum counties (those conducting referenda between 1.1.2012 and 9.1.2018, including counties that undertake a public-private partnership with a pari-mutuel permit holder). 	<p>Tribe Exclusivity is violated by:</p> <ul style="list-style-type: none"> ▪ Designated player games and any banked card games. ▪ Sale of lottery tickets through a lottery vending machine that is not a pay-at-the pump machine. ▪ Decoupling of pari-mutuel permit holders. ▪ Operation of games not authorized under chapter 546, F.S. (i.e., amusement machines.) ▪ Operation of slot machines at locations other than the existing 4 pari-mutuel facilities in Broward County and the existing 4 pari-mutuel facilities in Miami-Dade County. ▪ Allowing the effective tax rate on slot machines to be lowered to less than 25%. ▪ Allowing use of the State’s portion of compact revenues for any purpose other than certain education programs specified in the House Compact.
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	<p>Exceptions for Tribe Exclusivity (continued)</p> <ul style="list-style-type: none"> ▪ Allowing the effective tax rate on slot machines to be lowered to not less than 25%; 30% effective 1.1.2019; 25% effective 7.1.2020. ▪ Pari-mutuel facilities (without requirements not to decouple to conduct associated gaming operations). ▪ See Slot Machine and Cardrooms section as to expanded hours of operation on weekdays. ▪ Decoupling of pari-mutuel permitholders. ▪ Lottery: Operation by the Department of the Lottery of those types of games authorized as of 1.1.2018, but excluding a) any player-activated or operated machine other than a lottery vending machine; or b) any banked or banking card games. Lottery vending machines may be installed at a pari-mutuel facility. Pay-at-the-pump machines included in the definition of “lottery vending machine.” 	
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12	<p>Use of Compact Revenue</p> <p>3% to affected local governments.</p> <p>Revises the portions of the local government share associated with the Seminole Indian Casino-Hollywood and the Seminole Hard Rock Hotel & Casino – Hollywood received by certain municipalities. §285.710 (1)(b) and (c), FS</p> <p>Balance: General Revenue.</p>	<p>Use of Compact Revenue</p> <p>3% to affected local governments.</p> <p>Balance required to be allocated as follows to maintain revenue share:</p> <ul style="list-style-type: none"> • One-third for K-12 teacher recruitment and retention bonuses. • One-third for schools that serve students from persistently failing schools. • One-third for higher education institutions to recruit and retain distinguished faculty. <p><i>If revenue sharing is not allocated to those specific education purposes, then all revenue sharing ceases, unless and until such allocations are made, in which event revenue sharing resumes.</i></p>
13	<p>Other Payments by the Tribe</p> <p>Annual Oversight Assessment: \$250,000, indexed for inflation.</p> <p>Compulsive Gambling: \$250,000 per facility (\$1.75 million for 7 facilities). (donation to the Florida Council on Compulsive Gaming).</p>	<p>Other Payments by the Tribe</p> <p>Annual Oversight Assessment: \$250,000, indexed for inflation.</p> <p>Compulsive Gambling: \$250,000 per facility (\$1.75 million for 7 facilities). (donation to the Florida Council on Compulsive Gaming).</p>
14	<p>State Compliance Agency Oversight</p> <p>Random Inspections: One per facility per month not exceeding 16 hours over 2 days.</p> <p>Total number of hours of random inspections and audit reviews per year cannot exceed 1,600 hours.</p>	<p>State Compliance Agency Oversight</p> <p>Random Inspections: One per facility per month not exceeding 10 hours over 2 days.</p> <p>Total number of hours of random inspections and audit reviews per year cannot exceed 1,200 hours.</p>

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15	<p>Patron Disputes, Tort Claims; Workers Compensation</p> <p>Same as the House Bill.</p>	<p>Patron Disputes, Tort Claims; Workers Compensation</p> <p>Text is based on 2010 Compact, but modified largely as to technical issues.</p>
	<p>FANTASY CONTESTS Creates § 546.13, FS</p>	
16	<p>Creates the Fantasy Contest Amusement Act to legalize fantasy contests. Specifies conditions for operation of contests by fantasy contest operators and natural persons who are contest commissioners, and be exempt from gambling and exempt from DBPR regulation.</p> <p>Fantasy contests:</p> <ol style="list-style-type: none"> 1. Prizes must be unrelated to the number of players and must be known in advance; 2. Operators “shall not display or depict contests using casino graphics, themes or titles, including . . . depictions of slot machine-style symbols, cards, craps, roulette, or lotto.” 	<p>No provision.</p>
	<p>PARI-MUTUEL WAGERING</p>	
17	<p>Partial decoupling of greyhound racing (irrevocable election available for 36 months after bill’s effective date). § 550.01215(1)(b), FS</p> <p>House 2018 compact provisions revised so decoupling of pari-mutuel permitholders would not be a violation of Tribe exclusivity.</p>	<p>No change to live performance requirements under current law.</p> <p>2018 Compact specifies that any reduction in live performances by a pari-mutuel facility would potentially affect revenue sharing and exclusivity.</p>

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18	<p>Partial decoupling of jai alai, thoroughbred horse racing, harness horse racing, and quarter horse racing (irrevocable election available for 36 months after bill’s effective date – however, election period is 30 days for thoroughbreds).</p> <p>Decoupled thoroughbred horse permitholders must comply with existing agreements for contributions to thoroughbred horse purses and breeders’ awards (Calder’s agreement expires 12.31.2020).</p> <p>§ 550.01215(1)(c), (d), FS</p> <p>Decoupling of pari-mutuel permitholders would not be a violation of Tribe exclusivity under the Senate Compact.</p>	<p>No change to live performance requirements under current law.</p> <p>2018 Compact specifies that any reduction in live performances by a pari-mutuel facility below a full schedule of live racing or games would potentially affect revenue sharing and exclusivity.</p>
19	<p>Same as House Bill, except allows relocation pursuant to s. 550.0555, FS.</p> <p>See also relocation of Limited Thoroughbred Horse Racing Permit below.</p>	<p>Repeals authority for transfer of a thoroughbred horse racing permit, certain greyhound permits and certain jai alai permits.</p> <p>Prohibits all transfers, conversions, or relocations of a PM permit, cardroom or slot machine facility, without exceptions.</p> <p>§ 550.054(13) & (14)</p>
20	<p>No provision.</p>	<p>Repeals authority for permit relocation by greyhound and jai alai permitholders in limited situations.</p> <p>Repeals § 550.0555, FS</p>
21	<p>Same as House Bill.</p>	<p>Prohibits issuance of new pari-mutuel permits after 1.1.2018.</p> <p>§ 550.054(9)(d), FS.</p> <p>Repeals §§ 550.09512(3), 550.09515(3), FS</p>

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22	Authorizes relocation of limited thoroughbred horse racing permitholder situated in a manner that it is located in more than one county. §550.3345(2)(d), FS	Prohibits all relocations of a PM permit, cardroom or slot machine facility, without exceptions. § 550.054(13) & (14), FS
23	Same as House Bill.	Repeals section authorizing conversion of a PM permit to a summer jai alai permit under certain circumstances. Repeals section authorizing the creation and issuance of new summer jai alai permits when such conversions do not occur. § 550.0745, FS
24	Prohibits use of steroids in racing greyhounds. Identical to SB 674, 1 st Eng. §550.2415(1)(a), FS	No provision.
25	Revises requirements applicable to a limited intertrack wagering license.	No provision.
26	Authorizes thoroughbred night racing. § 550.5251(2), FS	No provision.
27	Same as House Bill.	DPMW must revoke the pari-mutuel permit of any permitholder that fails to make tax payments due under chapters 550 or 551, FS, or § 849.086, FS, for more than 24 months, with certain limited exceptions. DPMW must revoke any permit that has not had an operating license for more than 24 months since 6.30.2012. Revoked permits may not be reissued. § 550.054(9)(c), FS

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	SLOT MACHINES	
28	<p>Authorized at:</p> <ol style="list-style-type: none"> Each of the 4 currently operating licensed pari-mutuel facilities and the 4 currently operating licensed pari-mutuel facilities in Miami-Dade Counties, whether or not currently operating slot machines, provided that such licenses are not transferred or otherwise used to move or operate slot machines at any other location. Same as House Bill. Pari-mutuel facilities in counties (other than Broward County or Miami-Dade County) conducting referenda between 1.1.2012 and 9.1.2018, including those that undertake a public-private partnership with a pari-mutuel permitholder. <p>A pari-mutuel permitholder seeking one of the new, referendum slot machine licenses must surrender one active greyhound or jai alai pari-mutuel permit and still hold a pari-mutuel permit at the location for the new slot machine facility.</p> <p>Disqualifies permitholders from receiving a slot machine license if a permitholder includes, or previously included, an ultimate equitable owner whose pari-mutuel permit was voluntarily or involuntarily surrendered, suspended, or revoked by the division within 10 years before the date of the permitholder’s application for a slot machine license. §§551.102(4), 551.104(1) and (2), FS</p>	<p>Slots machine facilities outside Broward & Miami-Dade Counties are not allowed; if allowed would affect revenue sharing and exclusivity under the 2018 Compact. Compact limits slot machine facilities to the existing 4 locations in Broward County and the existing 4 locations in Miami-Dade County.</p> <p>No new slot machine licenses may be issued after 1.1.2018.</p>
29	<p>Repeals the third clause of the definition of “eligible facility in s. 551.102(4)., FS. The first 2 clauses transferred to s. 551.104(2), FS. <i>See row immediately above.</i></p>	<p>Repeals the third clause of the definition of “eligible facility” in § 551.102(4), FS.</p>

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30	<p>Reduce total number of slot machines allowed statewide to 15,000, from 16,000 allowed under current law (2,000 per facility).</p> <p>Slot machine limitation at existing slot machine facilities <i>reduced</i> from 2,000 slot machines at each facility to a maximum of 9,000 total slot machines, allocated as:</p> <ol style="list-style-type: none"> 1. 1,600 slot machines at a facility with more than 1,250 in SFY 2016-17. 2. 1,200 slot machines at a facility with 1,000 or more in SFY 2016-17. 3. 1,000 slot machines at a facility with less than 1,000 in SFY 2016-17. <p>Slot machine limitation at new facilities in referendum counties: 750 (a maximum of 6,000 total slot machines with 8 facilities); if more than 8 facilities, 6,000 divided by the number of new facilities. §551.106(1), FS</p>	No provision.
31	<p>Reduces slot machine taxes from 35% to 30% on 1.1.2019, and to 25% on 7.1.2020.</p> <p>Slot machine tax reductions are not a violation of Tribe exclusivity under the Senate Compact, provided the effective tax rate is not less than 25%.</p> <p>§ 551.106((2)(a)1., FS</p>	No provision.
32	<p>Minimum tax guarantee for existing Broward & Miami-Dade facilities: if total tax in a FY is less than FY 2017-18, each facility pays a surcharge to make up revenue deficit based on reduction and each facility's current slot revenue; the total payment of the tax and surcharge can't exceed 35%.</p> <p>§ 551.106(2)(a)2., FS</p>	No provision.
33	<p>Minimum slot machine tax and license fee tax guarantee for new referendum facilities: \$10 million in FY 2018-19; \$20 million in FY 2019-20 and thereafter. If those amounts of slot machine taxes and license fees are not paid, the permitholder must pay a surcharge equal to the difference between those amounts and the aggregate amount of slot machine taxes and license fees paid to the State. The surcharge is due 45 days after the end of each respective fiscal year.</p> <p>§ 551.106(3), FS</p>	No provision.

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34	<p>Decoupled facilities must contribute lesser of \$1.5 million or 2.75 percent of slot machine revenues from the prior fiscal year, for thoroughbred purse and awards.</p> <p>After the expiration of an existing horsemen’s agreement at a decoupled thoroughbred horse facility (Calder’s expires 12.21.2020), decoupled thoroughbred horse racing facilities must contribute for thoroughbred purses and breeders’ awards, \$3.5 million in 2021; \$3.0 million in 2022; \$2.5 million in 2023; and \$2.0 million in 2024. Those amounts are in lieu of the lesser of \$1.5 million or 2.75 percent of slot machine revenue.</p> <p>Funds divided equally between Tampa Bay Downs, Calder, and Gulfstream (“qualified permitholders”), with 10% to the Florida Thoroughbred Breeders and Owners Association, Inc.). The funds are paid by decoupled permitholders directly to qualified permitholders.</p> <p>Funds must be used to enhance purses at a qualified permitholder’s facility.</p> <p>To be eligible for funds, a permitholder must conduct a full schedule of live races or games (40 performances of 8 races each) and conduct no fewer performances than it conducted in FY 2017-2018. Limited thoroughbred permitholders and permitholders operating at another permitholder’s facility are not eligible for funds (GP TARP and the Tropical Park permits operate at Gulfstream).</p> <p>§ 551.104(4)(c)2., FS</p>	No provision.
35	<p>Authorizes slot machine facilities to operate 24 hours a day on weekdays (up from 18 hours per day currently). §551.116, FS</p>	No provision.
	<p>CARDROOMS</p>	
36	<p>Repeals requirement for licensees to conduct at least 90 percent of the performances conducted in the state fiscal year the cardroom license was granted or in the state fiscal year prior to the cardroom license application if a full schedule of live racing or games was conducted.</p> <p>§ 849.086(5), FS</p>	No provision.

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37	<p>Authorizes designated player games at all cardrooms. Designated player games are not a violation of Tribe exclusivity under the Senate Compact.</p> <ul style="list-style-type: none"> • Designated Player Games definition: “a game in which players compare their cards only to those cards of the designated player and cards common and available for play by all players.” • Designated Player definition: “the player identified for each game by a button that rotates clockwise before each hand begins as the player in the dealer position and seated at a traditional player position in a designated player who pays winning players and collects from losing players.” • Provides criteria for authorized games in cardrooms based on rules and requirements for traditional poker as set forth in <i>Hoyle’s Modern Encyclopedia of Card Games</i> (1974 edition). § 849.086(2) & (9), FS • Restrictions on Designated Player Games: <ol style="list-style-type: none"> 1. Designated Player must occupy a playing position at the table. 2. Cardroom operator may not serve as a designated player and may not have a financial interest in a designated player in any game; but cardroom operated may collect a posted rake. 3. Each designated player participating in a Designated Player Game must be offered the opportunity to be the Designated Player after each hand, <u>if there are multiple designated players at a table.</u> 4. Designated Player cannot be required to cover more than <u>10 times the maximum wager</u> for players participating in a game. 5. Designated Player tables at a cardroom may not exceed 50% of the licensed tables in a cardroom. 	<p>Specifies that designated player games or any other form of a card game involving a bank are prohibited in cardrooms.</p> <p>Provides criteria for authorized games in cardrooms based on rules and requirements for traditional poker as set forth in <i>Hoyle’s Modern Encyclopedia of Card Games</i> (1974 edition). § 849.086(2)(a), FS</p> <p>Specifies that any cardroom that offers designated player games or any other form of a card game involving a bank would potentially affect revenue sharing and exclusivity under the 2018 Compact.</p> <p>Specifies that any action or inaction by DPMW construed to allow designated player or other banking games does NOT constitute state action for purposes of the 2018 Compact.</p>
38	<p>Establishes designated player game requirements and individual licensing requirements for designated players. § 849.086(2) & (9), FS</p>	<p>No provision.</p>

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39	Cardroom Employee Occupational License Fee: up to \$500 annually for designated players and employees. § 849.086(9)(a), FS	No provision.
40	DPMW must respond within specified time periods to licensee requests concerning internal controls or new games. § 849.086(4)(g), FS	No provision.
41	Authorizes cardrooms to operate 24 hours a day on weekdays (up from 18 hours per day currently). §849.086(7)(b), FS	No provision.
42	Decoupled facilities must contribute 4 percent of monthly cardroom gross receipts for thoroughbred purse and awards. Funds must be used to enhance purses at a qualified permitholder’s facility. To be eligible for funds, a permitholder must conduct a full schedule of live races or games (40 performances of 8 races each) and conduct no fewer performances than it conducted in FY 2017-2018. Limited thoroughbred permitholders and permitholders operating at another permitholder’s facility are not eligible for funds (GP TARP and the Tropical Park permits operate at Gulfstream). § 849.086(14)(d)2., FS	No provision.
	PRE-REVEAL GAMES	
43	No provision.	Revises the definition of “slot machine or device” in statute to expressly include machines which reveal the outcome in advance (pre-reveal machines).
	EFFECTIVE DATE	
44	Same as House Bill, except the provisions related to the 2018 compact are effective upon becoming a law. Remainder of the bill becomes effective upon becoming a law.	Effective July 1, 2018, pre-approves and ratifies a 2018 Compact provided that it (1) is executed in identical form by the Governor and Tribe and (2) goes into effect on or before January 1, 2019. All other sections of the bill become effective on July 1, 2018, independent of the 2018 Compact.