

Appropriations Conference Committee on Gaming – Senate Offer #2

Item #	ISSUE	Senate Position	House Position	Senate Offer	House Offer	
Compact Provisions						
1.	Term	At least 10 years and no more than 25 years. <i>(Lines 282-283)</i>	10 years <i>(Lines 1138-1143)</i>	25 years.	15 Years	Accept House Offer
2.	Legislative approval of negotiated compact.	Not required if compact meets minimum terms and standards in bill. <i>(Lines 103-106)</i>	Required. <i>(Lines 88-93)</i>	Legislative ratification required.	ACCEPT SENATE POSITION	
3.	Legislative approval of compact amendments.	Not required if amendment meets minimum terms and standards in bill. <i>(Lines 106-109)</i>	Not required. <i>(Lines 1146-1158)</i>	Not required.	ACCEPT SENATE POSITION	
4.	Exclusivity			Electronic gaming prohibited in any county in which Seminole Tribe casinos operate (except for existing slots facilities in counties where referendum already allow such activity).	EXCLUSIVITY OF CLASS III SLOTS MACHINES AND ELECTRONIC GAMING OUTSIDE BROWARD & MIAMI-DADE, AND OFFERING OF BANKED CARD GAMES IN BROWARD COUNTY ONLY	
5.	Expansion limitation			Only limited gambling authorized for Brighton, Immokalee, and Big Cypress facilities.	N/A	
6.	Covered Class III Games	*Slot machines, roulette and craps. *Charity poker or unlimited if authorized for other persons. *Banked card games,	*Slot machines. * High stakes charity poker games also permitted, but 100% of net poker income must go to	No limit poker; Slot machines, Banked card games, including blackjack, chemin de fer, and baccarat	ACCEPT SENATE POSITION EXCEPT BANKED CARD GAMES ARE LIMITED TO BROWARD COUNTY ONLY	

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		including blackjack, chemin de fer, and baccarat if Dade and Broward pari-mutuels get blackjack. <i>(Lines 143-185)</i>	charity (limit 2 tournaments per year.) <i>(Lines 160-188)</i>			
7.	Status of current banked card gaming activities.	Explicitly not validated. <i>(Lines 88-89 & 231-234)</i>	Not clear. Tribe must stop banked card gaming within 90 days after the effective date of the compact. <i>(Lines 458-460)</i>	Explicitly not validated.	ACCEPT SENATE POSITION EXCEPT REFERENCE TO STATUS OF ALL CLASS III GAMING ACTIVITIES AND REMOVAL OF BANKED CARD GAMES AT TRIBAL FACILITIES OUTSIDE BROWARD COUNTY WITHIN 90 DAYS.	
8.	Effect of future changes to slot machine laws Voided Compact: Tribe may use electronic payment systems if permitted in state for slot machines.	Not addressed, therefore same as in voided compact. <i>(Lines 98-102)</i>	All amendments or alteration to slot machine definition apply. <i>(Lines 180-182)</i>	Not addressed, therefore same as in voided compact.	ACCEPT SENATE POSITION	
9.	“Net win” definition	Gross gaming revenue = “difference between gaming wins and losses, before deducting costs and expenses.” <i>(Lines 78-81)</i>	“Total receipts from the play of all covered games, less all prize payouts.” <i>(Lines 223-224)</i>	Gross gaming revenue = difference between gaming wins and losses, before deducting costs and expenses	ACCEPT SENATE POSITION	
10.	Guaranteed minimum revenue share	\$400 million. <i>(Lines 186-198)</i>	\$100 million. <i>(Lines 772-776)</i>	Year 1: \$500m Year 2: \$400m Year 3 – 25: \$250m	\$200m	

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11.	Payments to offset impacts on local governments	Required, but amounts not specified. <i>(Lines 213-224)</i>	Tribe pays an additional amount equal to 5 percent of revenue share. <i>(Lines 848-853)</i>	Tribe pays an additional amount equal to one percent of revenue share.	KEEP HOUSE POSITION	
12.	Top revenue share percentage	\$600 million + 25 percent of net win above \$4 billion per year. <i>(Lines 195-198)</i>	18 percent if net win for revenue sharing that exceeds \$100 million guaranteed minimum. <i>(Lines 780-786)</i>	25% of net win above \$2.5b	KEEP HOUSE POSITION - TBD	
13.	Revenue sharing reductions	*No cessation of payments unless net win fails to reach \$1.37 billion. *No reduction for new Class III in Florida Panhandle. *No reduction if state enters compact with another Florida Tribe. *No reduction for historic racing or electronic gaming machines. *No reduction if current level of enforcement is maintained for illegal gaming. <i>(Lines 199-212 and 235-267)</i>	*Payments cease if additional Class III games are allowed (electronically-assisted bingo or pull-tab games, video lottery terminals). *Payments cease if citizen’s initiative permits slot machines outside of Dade and Broward and net win doesn’t reach \$1.37 billion. *No cessation of payments for illegal gaming. * Pro rata reduction for occurrences outside of Tribe’s	*No cessation of payments unless net win fails to reach \$1.37 billion. *No reduction for new Class III in Central Time Zone. *No reduction if state enters compact with another Florida Tribe. *No reduction for historic racing or electronic gaming machines. *No reduction if current level of enforcement is maintained for illegal gaming.	ACCEPT SENATE POSITION EXCEPT FOR PROVISIONS EXCLUDING CLASS III GAMING IN CENTRAL TIME ZONE, AND HISTORIC RACING AND ELECTRONIC GAMING MACHINES.	

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			control, including acts of God and terrorism. <i>(Lines 870-945)</i>			
14.	Status of payments made under the voided compact.	State keeps. <i>(Lines 225-234)</i>	State keeps. <i>(Lines 854-863)</i>	State keeps.	ACCEPT SENATE POSITION	
15.	Sovereign Immunity and Insurance	*Limited waiver of \$2 million per occurrence and in the aggregate, annually adjusted to CPI. *Requires property and personal injury insurance of up to \$2 million, annually adjusted to CPI. <i>(Lines 368-398)</i>	*Limited waiver of \$500,000 per person and \$1 million per incident. *Requires insurance of \$1 million per occurrence and \$10 million in the aggregate. <i>(Lines 504-519)</i>	Require waiver and insurance; amounts to be determined	KEEP HOUSE POSITION	ACCEPT HOUSE POSITION
16.	Patron Tort Claims	Requires written procedures to be enacted in tribal law, but the procedures are not specified in the bill. <i>(Lines 368-386)</i>	*Patron can go directly to court. *Four year statute of limitations for tort claims. <i>(Lines 494-503)</i>	Patron can go directly to court. Four year statute of limitations for tort claims.	ACCEPT SENATE POSITION	
17.	State enforcement agency	Division of Pari-mutuel Wagering <i>(Lines 138-142 and 319-322)</i>	SCA not specified. <i>(Lines 246-251)</i>	Division of Pari-mutuel Wagering	ACCEPT SENATE POSITION	
18.	Inspections	*Public and Non-public areas: no notice or concurrent notice. *No limits on the number of random	*Public areas: no notice. *Non-public areas: One hour notice. *No limits on the	*Public and Non-public areas: no notice or concurrent notice. *No limits on the number of random inspections.	ACCEPT SENATE POSITION	

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		inspections. *Public area inspection during business hours. *No reference to when random inspection may be conducted. *Annual slot machine compliance audits. <i>(Lines 325-353)</i>	number of random inspections. Random inspections during business hours. *Annual slot machine compliance audits. <i>(Lines 617-684)</i>	*Public area inspection during business hours. *No reference to when random inspection may be conducted. *Annual slot machine compliance audits.		
19.	Minimum Age to play covered games. Voided Compact: *21 years of age to play. *18 years of age for entry to casino floor.	Not directly specified, therefore same as in voided compact or as changed by PMW bill.	*21 years of age to play. *18 years of age for entry to casino floor. <i>(Lines 412-413 and 426-247)</i>	21 years of age.	ACCEPT SENATE POSITION	
20.	Compulsive Gambling Voided Compact: Training program for employees, education of patrons, keep list of voluntary excluded patrons.	Not directly specified, therefore same as in voided compact. <i>(Lines 98-102)</i>	Same as in voided compact. <i>(Lines 321-374)</i>	\$250,000 per facility annual donation	ACCEPT SENATE POSITION	
21.	Smoking Voided Compact: Smoking permitted but Tribe to provide smoke-free and reduced smoke environment. Provides for vent tables and ventilation systems.	Not directly specified, therefore same as in voided compact. <i>(Lines 98-102)</i>	Same as in voided compact <i>(Lines 1195-1208)</i>	Same as in voided compact and House bill; smoking permitted but Tribe to provide smoke free and reduced smoke environment, including vented tables and ventilation systems.	ACCEPT SENATE POSITION	
22.	Dispute Resolution for	Specifies process of	Same as in voided	Senate: nonbinding	ACCEPT SENATE POSITION	

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	state and Tribe. Voided Compact: Mediation, and nonbinding arbitration for disputes by Tribe against state.	non-binding arbitration. <i>(Lines 406-442)</i>	compact. <i>(Lines 948-1053)</i>	arbitration provisions		
23.	Venue for patron disputes Voided Compact: Broward County	Not directly specified, therefore same as in voided compact. <i>(Lines 98-102)</i>	County in which the incident occurred. <i>(Lines 494-503)</i>	County where claim arises	ACCEPT SENATE POSITION	
24.	Sales Taxes	Authorizes the Governor to negotiate agreements for taxes. <i>(Lines 469-478)</i>	Requires the Tribe to collect and remit sales taxes for sales to non-tribal members and keep records for five years of such sales. <i>(Lines 1056-1080)</i>	Require the Governor to negotiate agreements for all taxes with the Indian tribes with legislative ratification	KEEP HOUSE POSITION	
25.	Contingent Effective Date	Bill is contingent on CS/SB 836 becoming law. <i>(Lines 498-501)</i>	Not Addressed	Compact and Pari-mutuel provisions are contingent on each other	ACCEPT SENATE POSITION	
26.	Term for Governor's Authority to Negotiate Compact	The Governor's authority to negotiate the compact expires at the end of day on August 31, 2009. <i>(Lines 126-128)</i>	Not Addressed	Governors authority to negotiate compact expires August 31st 2009	ACCEPT SENATE POSITION	
27.	Allocation of Compact Revenue	Revenue sharing payments must be	Not Addressed	n/a	ACCEPT SENATE POSITION	

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		deposited into Educational Enhancement Trust Fund. <i>(Lines 115-117)</i>				
28.	Computerized Reporting and Auditing System	Tribe must have central computerized reporting and auditing system. <i>(Lines 300-318)</i>	Not Addressed	Central computerized reporting and auditing system and uniform reporting pursuant to Division rule	ACCEPT SENATE POSITION	
29.	Medical Professionals	Tribe must employ/authorize only licensed medical professional. <i>(Lines 355-356)</i>	Not Addressed	Tribe must employ/authorize only licensed medical professionals	ACCEPT SENATE POSITION	
30.	Access by Emergency Services	Tribe must allow unimpeded access by emergency medical services. <i>(Lines 357-358)</i>	Ensure adequate emergency access plans have been prepared. <i>(Lines 558-560)</i>	Tribe must allow unimpeded access by emergency medical services.	ACCEPT SENATE POSITION	
31.	Legislative Review	Bill provides legislative intent to review the compact in five years to authorize additional Class III. <i>(Lines 469-478)</i>	Not Addressed	Bill provides legislative intent to review the compact in five years to authorize additional Class III.	KEEP HOUSE POSITION	
32.	Spending Tribal Revenue in State	The Tribe must use its best efforts to spend its revenue in the state and acquire goods and services from Florida-based vendors. <i>(Lines 459-462)</i>	Not Addressed	The Tribe must use its best efforts to spend its revenue in the state and acquire goods and services from Florida-based vendors.	KEEP HOUSE POSITION	

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33.	<p>Dispute Process for Employees</p> <p>Voided Compact: Tribe to maintain employment standards comparable to state and federal standards.</p>	<p>Same as in Voided compact, plus the Tribe’s employee dispute process must permit the employee to be represented by an attorney or other authorized representative, and must allow language interpreters. <i>(Lines 443-458)</i></p>	<p>Same as in Voided compact. <i>(Lines 1216-1227)</i></p>	<p>Same as in Voided compact, plus the Tribe’s employee dispute process must permit the employee to be represented by an attorney or other authorized representative, and must allow language interpreters.</p>	ACCEPT SENATE POSITION	
34.	<p>Tax Agreements</p>	<p>Bill authorizes the Governor to negotiate tax agreements with the Indian tribes. <i>(Lines 469-478)</i></p>	Not Addressed	<p>Bill authorizes the Governor to negotiate tax agreements with the Indian tribes.</p>	ACCEPT SENATE POSITION	

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Item #	Parimutuel Provisions					
35.	Electronic Gaming	Allows for electronic gaming license for facilities that have cardrooms and no slots; 1,000 machines per facility; \$1 million annual fee <i>(Lines 198-1408)</i>	No authorization of electronic gaming machines.	<p>Allows for electronic gaming license for facilities that have cardrooms and no slots; 1,000 machines per facility; \$1 million annual fee.</p> <p>Electronic gaming authorized in a county in which a referendum allows such activity.</p> <p>No electronic gaming in counties in which there are Seminole Tribe casinos (except existing facilities in counties that have already had a slots referendum.)</p> <p>Referendum and \$3m annual license fee for electronic gaming in any county not already authorized by referendum.</p>	KEEP HOUSE POSITION	
36.	Slot machine gaming age	Lowers the age from 21 to 18 <i>(Lines 2417-2421)</i>		21	ACCEPT SENATE POSITION	
37.	Historical Racing	Authorizes Historical Racing at	No Historical Racing	Authorized.	KEEP HOUSE POSITION.	

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		pari-mutuel facilities that have agreements between permitholders and association and holds a cardroom license; Directs DBPR to adopt rules and regulate machines and issues licenses. <i>(Lines 2227-2349)</i>				
38.	Number of historical racing terminals authorized	500 per facility. <i>(Lines 2285-2296)</i>		2,000 per facility. 3,000 per facility for non-referendum counties.		
39.	License fee for historical racing	\$1 million per year. <i>(Lines 1540-1547)</i>		\$500,000 annual license fee. \$300,000 for non-referendum counties.		
40.	Tax on historical racing machines	4% of handle. <i>(Lines 1538-1539)</i>		4% of handle		
41.	Quarter Horse Permits	Deletes exemption from general pari-mutuel licensing so that permit is subject to same mileage restrictions, financial and notice requirements. Allows quarter horse licensees to		Deletes exemption from general pari-mutuel licensing so that permit is subject to same mileage restrictions, financial and notice requirements Authorizes non-profit quarterhorse permitholders to run thoroughbred races	<u>ORIGINAL SENATE POSITION ON QUARTERHORSE PERMITS, INCLUDING 50% SUBSTITUTION, WITH CONVERSION FOR NON PROFIT QUARTER HORSE PERMIT HOLDER TO THOROUGHBRED PERMIT DESCRIBED IN FIRST</u>	

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		substitute up to 50% in thoroughbred races. Allows intertrack wagering without approval from other licensees within 50 miles. <i>(Lines 1992-2114)</i>		under certain conditions. Prohibit any other horseracing permitholder to run live or intertrack races (without permission) when non-profit permitholder is conducted live races.	SENATE OFFER	
42.	Quarter Horse Leasing	Not currently in the bill but possible amendment to subject the quarter horse facilities to the same mileage restriction as other facility types (35-mile radius)	Quarter horse Permits are not subject to same mileage restriction as other permit holders.	Include mileage limitation relating to lease of facilities; 35-mile radius.	KEEP HOUSE POSITION	
43.	Quarter Horse Cardroom Purse Supplementation	Not currently in the bill but possible amendment to require quarter horse facilities operating a cardroom to use at least 50% of cardroom's net proceeds to supplement purses and breeder's awards (same as other horse facilities do)		Require quarter horse facilities and limited ITW facility operating a cardroom to use at least 50% of cardroom's net proceeds to supplement purses and breeder's awards (same as other horse facilities do).	<u>ALL PERMITHOLDERS:</u> BENEFITS OF LOWER SLOT MACHINE TAX RATE AND RELAXED CARD ROOM REGULATION SUBJECT TO FILING WITH DBPR AN AGREEMENT GOVERNING PURSES AND AWARDS BETWEEN THE PERMIT HOLDER AND THE ASSOCIATION REPRESENTING THE HORSE AND DOG OWNERS, BREEDERS AND TRAINERS, JAI ALAI PLAYERS AT THE	

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					FACILITY.	
44.	Use of Electronic Transmitting Equipment	Deletes language that may criminalize use of cell phones/PDA's or other electronic devices at racetrack. <i>(Lines 2133-2134)</i>		Delete language that may criminalize use of cell phones/PDA's or other electronic devices at racetrack.	ACCEPT SENATE POSITION	
45.	Full Schedule of Live Racing	Q-Horse - 20 races in 2010-2011, 30 races in 11-12 & 12-13, 40 races in 13-14 and after, unless alternate agreement; Q-Horse w/ leased facility - 160 events <i>(Lines 1414-1465)</i>		Q-Horse - 20 races in 2010-2011, 30 races in 11-12 & 12-13, 40 races in 13-14 and after, unless alternate agreement; Q-Horse w/ leased facility - 160 events Allows a quarter horse permit holder who complies with other statutory provisions to conduct gaming approved by county referendum.	ACCEPT SENATE POSITION ON FULL SCHEDULE OF LIVE RACING ONLY	
46.	Conversion of jai alai permit to dog racing permit				ALLOWS CONVERSION OF JAI ALAI PERMIT TO DOG RACING PERMIT IF THE PERMIT IS IN A COUNTY WHICH HAS TWO PARI-MUTUEL PERMITS, AND THE PERMIT HAS NOT BEEN PREVIOUSLY CONVERTED FROM ANY OTHER CLASS OF PERMIT AS WELL AS THERE HAVE NOT BEEN ANY JAI ALAI GAMES CONDUCTED FOR THE	ACCEPT HOUSE POSITION

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					PREVIOUS TEN YEARS PRIOR TO THE REQUEST FOR CONVERSION – NOT CURRENTLY IN BILL.	
47.	Slot machine fee	\$2.5M in FY 10-11; \$2M each year thereafter. <i>(Lines 2374-2379)</i>		\$2.5M in FY 10-11; \$2M each year thereafter.	ACCEPT SENATE POSITION	
48.	Slot Machine Tax Rate	42% in FY 10-11; 35% each year thereafter. <i>(Lines 2388-2394)</i>	Tax rate twice the rate imposed upon Tribe with guaranteed minimum <i>(lines 333 – 357)</i>	45% in FY 10-11 40% in FY 11-12 35% each year thereafter	SLOT MACHINE TAX RATE AT 35% WITH MINIMUM FLOOR SET AT 2008-09 COLLECTIONS AND SHORTFALL ASSESSED ON LICENSED SLOT MACHINE OPERATORS	
49.	Slot Machine Payout	85% per facility instead of per machine <i>(Lines 2363-2364)</i>		85% per facility instead of per machine	ACCEPT SENATE POSITION	
50.	Slot Machine Progressive Systems	Allows slot machines to be linked in a progressive system <i>(Lines 2353-2356; 2428-2430)</i>		Allows slot machines to be linked in a progressive system	ACCEPT SENATE POSITION	
51.	Cardroom License	Requires 2 full years of full schedule of live racing and must be licensed to conduct full schedule of live racing in initial year of licensure	Requires Permit holder must be licensed to conduct full schedule of live racing in initial year of licensure <i>(lines 227-232 and 371-375)</i>	Requires 2 full years of full schedule of live racing and must be licensed to conduct full schedule of live racing in initial year of licensure	KEEP HOUSE POSITION	

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		<i>(Lines 2524-2530)</i>				
52.	Cardroom Hours of Operation	18 hours per day Mon-Friday; 24 hours per day Sat-Sun <i>(Lines 2618-2621)</i>		n/a	ACCEPT SENATE POSITION	
53.	Poker Wager Limits	No limit poker <i>(Lines 2655-2668)</i>	\$50 per wager; \$1,000 buy-in for Texas Hold-em <i>(lines 388 – 396)</i>	No limit poker	KEEP HOUSE POSITION	
54.	Banked Card Games	Allows blackjack for slot machine licensees if the Seminoles get roulette or craps <i>(Lines 2691-2704)</i>	No Banked Card Games	Allow blackjack in South Florida slot facilities. * \$25m initial license fee. * \$3m annual license fee (after initial year) * 10% tax rate Allows existing facilities in counties adjacent to Miami-Dade & Broward Counties to conduct blackjack and electronic class III gaming if approved by referendum.	KEEP HOUSE POSITION	
55.	DBPR Streamlining Package	Adds multiple streamlining amendments, included but not limited to: <ul style="list-style-type: none"> • Defines conviction • Provides flexibility in occupation. 		DBPR streamlining included.	ACCEPT SENATE POSITION	

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		<p>licenses</p> <ul style="list-style-type: none">• Uniform issuance dates for license types• Monthly payment of taxes starting July 1, 2012• Year to mean “fiscal” year• Enhanced fingerprint regulations• Added cruelty to animal protections• Breeder flexibility language				
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