

1 A bill to be entitled
2 An act relating to gaming; amending s. 285.710, F.S.,
3 relating to compact authorization; providing definitions;
4 providing that specified agreements executed by the
5 Seminole Tribe of Florida and the Governor are void and
6 not in effect; ratifying and approving a specified compact
7 executed by the Tribe and the Governor; directing the
8 Governor to cooperate with the Tribe in seeking approval
9 of the compact from the United States Secretary of the
10 Interior; revising powers and duties of the Governor
11 regarding a compact and amendments to a compact between
12 the Tribe and the state; revising a provision that
13 specifies that the compact is invalid if certain
14 provisions are held invalid by a court or the United
15 States Department of the Interior; revising a provision
16 for the effect on the compact of certain changes to the
17 Indian Gaming Regulatory Act; removing a provision
18 directing the Governor to ensure certain funds received
19 are deposited in a specified fund; removing a provision
20 for expiration of certain authority granted to the
21 Governor; removing a provision that expresses legislative
22 intent; revising duties of the Division of Pari-mutuel
23 Wagering of the Department of Business and Professional
24 Regulation to carry out oversight responsibilities as the
25 state compliance agency; revising duties of the Governor
26 to execute an agreement for application of certain state
27 taxes on Indian lands; providing for distribution of
28 certain moneys paid to the state; providing for the

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29 calculation and distribution of a local government share
30 of such moneys; revising provisions for moneys remitted by
31 the Tribe to the state before the effective date of the
32 compact; providing for deposit of the moneys into the
33 General Revenue Fund; revising provisions that authorize
34 certain gaming activity; repealing s. 285.711, F.S.,
35 relating to a gaming compact between the Seminole Tribe
36 and the State of Florida; creating s. 285.712, F.S.;
37 providing that the Governor is the designated state
38 officer responsible for negotiating and executing, on
39 behalf of the state, tribal-state gaming compacts with
40 certain Indian tribes; requiring any such compact to be
41 conditioned on ratification by the Legislature; providing
42 procedures for ratification of a compact and submission to
43 the United States Secretary of the Interior for review and
44 approval; amending s. 551.103, F.S.; requiring the
45 division to adopt rules regulating the employment by a
46 slot machine licensee of security personnel; amending s.
47 26 of chapter 2009-170, Laws of Florida, an act relating
48 to gaming; revising the effective date for provisions of
49 that act to remove contingency requirements applicable to
50 provisions relating to the pari-mutuel industry; providing
51 a date for those provisions to take effect; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:
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56 Section 1. Section 285.710, Florida Statutes, is amended
 57 to read:

58 285.710 Compact authorization.—

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

60 (a) "Compact" means the Gaming Compact between the
 61 Seminole Tribe of Florida and the State of Florida, executed on
 62 April 7, 2010.

63 (b) "Covered games" means the games authorized for the
 64 Seminole Tribe of Florida under the compact.

65 (c) "Documents" means books, records, electronic, magnetic
 66 and computer media documents, and other writings and materials,
 67 copies thereof, and information contained therein.

68 (d) "Indian Gaming Regulatory Act" or "IGRA" means the
 69 Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17,
 70 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq.,
 71 and 18 U.S.C. ss. 1166-1168.

72 (e) "State" means the State of Florida.

73 (f) "State compliance agency" means the Division of Pari-
 74 mutuel Wagering of the Department of Business and Professional
 75 Regulation which is designated as the state agency having the
 76 authority to carry out the state's oversight responsibilities
 77 under the compact.

78 (g) "Tribe" means the Seminole Tribe of Florida or any
 79 affiliate thereof conducting activities pursuant to the compact
 80 under the authority of the Seminole Tribe of Florida ~~have the~~
 81 ~~same meaning as provided in s. 285.711.~~

82 (2) (a) The agreement executed by the Governor and the
 83 Tribe on November 14, 2007, published in the Federal Register on

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84 January 7, 2008, and subsequently invalidated by the Florida
 85 Supreme Court in the case of *Florida House of Representatives,*
 86 *et al. v. The Honorable Charles J. Crist, No. SC07-2154, (2008),*
 87 is not ratified or approved by the Legislature, and is void, and
 88 is not in effect.

89 (b) The agreement executed by the Governor and the Tribe
 90 on August 28, 2009, and August 31, 2009, respectively, and
 91 transmitted to the President of the Senate and the Speaker of
 92 the House of Representatives, is not ratified or approved by the
 93 Legislature, is void, and is not in effect.

94 (3) The Gaming Compact between the Seminole Tribe of
 95 Florida and the State of Florida, executed by the Governor and
 96 the Tribe on April 7, 2010, is ratified and approved. The
 97 Governor shall cooperate with the Tribe in seeking approval of
 98 the compact from the United States Secretary of the Interior.

99 ~~(3) Subject to the limitations in s. 285.711, the Governor~~
 100 ~~is hereby authorized and directed to negotiate and execute a~~
 101 ~~compact on behalf of the state with the Tribe pursuant to the~~
 102 ~~federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss.~~
 103 ~~1166-1168, and 25 U.S.C. ss. 2701 et seq., and this act for the~~
 104 ~~purpose of authorizing Class III gaming on Seminole lands within~~
 105 ~~this state. Any such compact shall not be deemed entered into by~~
 106 ~~the state unless and until it is ratified by the Legislature.~~

107 ~~(4) The Governor is authorized to bind the state to any~~
 108 ~~amendment to the compact that is consistent with the terms and~~
 109 ~~standards in this section and s. 285.711, provided that any~~
 110 ~~amendment to provisions relating to covered games, the amount of~~
 111 ~~revenue sharing payments, suspension or reduction of payments,~~

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112 ~~or exclusivity shall require ratification by the Legislature.~~

113 ~~(5)(a) The Governor shall provide a copy of the compact to~~
114 ~~the President of the Senate and the Speaker of the House of~~
115 ~~Representatives as soon as it is executed. The compact shall not~~
116 ~~be submitted to the Department of the Interior by or on behalf~~
117 ~~of the state or the Tribe until it has been ratified by the~~
118 ~~Legislature.~~

119 ~~(b) The Governor shall provide a copy of any amendment to~~
120 ~~the compact to the President of the Senate and the Speaker of~~
121 ~~the House of Representatives as soon as it is executed and~~
122 ~~before or simultaneous with its submission to the Department of~~
123 ~~the Interior, provided that any amendment requiring ratification~~
124 ~~by the Legislature shall not be submitted to the Department of~~
125 ~~the Interior for approval until such ratification has occurred.~~

126 ~~(4)(6)~~ (4) The Governor shall preserve all documents, if any,
127 which relate to the intent or interpretation of the compact, and
128 maintain such documents for at least the term of the compact.

129 ~~(5)(7)~~ (5) If any provision of the compact relating to covered
130 games, revenue-sharing payments, suspension or reduction in
131 payments, or exclusivity is held by a court of competent
132 jurisdiction or by the Department of the Interior to be invalid,
133 the compact is void.

134 ~~(6)(8)~~ (6) If ~~In the event that~~ a subsequent change to the
135 Indian Gaming Regulatory Act, or to an implementing regulation
136 thereof, mandates the retroactive application of such change
137 without the respective consent of the state or Tribe, the
138 compact is void if the change ~~it~~ materially alters any provision
139 ~~the terms and standards~~ in the compact relating to ~~the covered~~

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140 games, revenue-sharing payments, suspension or reduction of
 141 payments, or exclusivity.

142 ~~(9) The Governor shall ensure that all revenue sharing~~
 143 ~~received pursuant to the compact and agreement executed by the~~
 144 ~~Governor and the Tribe on November 14, 2007, is deposited into~~
 145 ~~the Education Enhancement Trust Fund provided that, if necessary~~
 146 ~~to comply with any covenant established pursuant to s.~~
 147 ~~1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred~~
 148 ~~to the Educational Enhancement Trust Fund shall be first~~
 149 ~~available to pay debt service on lottery bonds issued to fund~~
 150 ~~school construction in the event lottery revenues are~~
 151 ~~insufficient for such purpose or to satisfy debt service reserve~~
 152 ~~requirements established in connection with lottery bonds.~~

153 ~~(10) Except for the authority granted to the Governor in~~
 154 ~~subsections (4) and (13), the authority granted to the Governor~~
 155 ~~by this section and s. 285.711 expires at 11:59 p.m. on August~~
 156 ~~31, 2009.~~

157 ~~(11) It is the intent of the Legislature to review a~~
 158 ~~compact entered into under the provisions of this section within~~
 159 ~~5 years after the compact is approved. It is the intent of the~~
 160 ~~Legislature to consider the authorization of additional Class~~
 161 ~~III games for operation by the Tribe based upon successful~~
 162 ~~implementation of the compact and the history of compliance with~~
 163 ~~the compact.~~

164 (7)~~(12)~~ The Division of Pari-mutuel Wagering of the
 165 Department of Business and Professional Regulation is designated
 166 as the state compliance agency having the authority to carry out
 167 the state's oversight responsibilities under the a compact

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168 authorized by this section ~~act~~.

169 (8) ~~(13)~~ (a) The Governor is authorized ~~and directed~~ to
 170 execute an agreement on behalf of the state ~~of Florida~~ with the
 171 Indian tribes in this state, acting on a government-to-
 172 government basis, to develop and implement a fair and workable
 173 arrangement to apply state taxes on persons and transactions on
 174 Indian lands. Such agreements shall address the imposition of
 175 specific taxes, including sales taxes and exemptions from those
 176 taxes.

177 (b) The agreement shall address the Tribe's collection and
 178 remittance of sales taxes imposed by chapter 212 to the
 179 Department of Revenue. The sales taxes collected and remitted by
 180 the Tribe shall be based on all sales to non-tribal members,
 181 except those non-tribal members who hold valid exemption
 182 certificates issued by the Department of Revenue, exempting the
 183 sales from taxes imposed by chapter 212.

184 (c) The agreement shall require the Tribe to register with
 185 the Department of Revenue and remit to the Department of Revenue
 186 the taxes collected.

187 (d) The agreement shall require the Tribe to retain for at
 188 least a period of 5 years records of all sales to non-tribal
 189 members which are subject to taxation under chapter 212. The
 190 agreement shall permit the Department of Revenue to conduct an
 191 audit not more often than annually in order to verify such
 192 collections. The agreement shall require the Tribe to provide
 193 reasonable access during normal operating hours to records of
 194 transactions subject to the taxes collected.

195 (e) The agreement shall provide a procedure for the

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196 resolution of any disputes about the amounts collected pursuant
 197 to the agreement. For purposes of the agreement for the
 198 collection and remittance of sales taxes, the agreement must
 199 provide that the Tribe agrees to waive its immunity, except that
 200 the state may seek monetary damages limited to the amount of
 201 taxes owed.

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

205 (9) The moneys paid by the Tribe to the state for the
 206 benefit of exclusivity under the compact ratified by this
 207 section shall be deposited into the General Revenue Fund, except
 208 that 3 percent of the amount paid by the Tribe to the state
 209 shall be designated as the local government share and shall be
 210 distributed as provided in subsection (10).

211 (10) The calculations necessary to determine the local
 212 government share distributions shall be made by the state
 213 compliance agency. For purposes of determining the amount of the
 214 distributions under this subsection, the portion of the local
 215 government share derived from each casino shall be determined by
 216 multiplying the local government share by a fraction the
 217 numerator of which is the net win for the respective casino and
 218 the denominator of which is the sum of the net win for all
 219 casinos. The local government share shall be distributed as
 220 follows:

221 (a) Glades County shall receive 100 percent of the local
 222 government share derived from the Seminole Indian Casino-
 223 Brighton.

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224 (b) Broward County shall receive 7.5 percent, the City of
 225 Coconut Creek shall receive 65 percent, the City of Coral
 226 Springs shall receive 15 percent, the City of Margate shall
 227 receive 10 percent, and the City of Parkland shall receive 2.5
 228 percent of the local government share derived from the Seminole
 229 Indian Casino-Coconut Creek.

230 (c) Broward County shall receive 15 percent, the City of
 231 Hollywood shall receive 65 percent, the Town of Davie shall
 232 receive 10 percent, and the City of Dania Beach shall receive 10
 233 percent of the local government share derived from the Seminole
 234 Indian Casino-Hollywood.

235 (d) Collier County shall receive 100 percent of the local
 236 government share derived from the Seminole Indian Casino-
 237 Immokalee.

238 (e) Hendry County shall receive 100 percent of the local
 239 government share derived from the Seminole Indian Casino-Big
 240 Cypress.

241 (f) Broward County shall receive 15 percent, the City of
 242 Hollywood shall receive 65 percent, the Town of Davie shall
 243 receive 10 percent, and the City of Dania Beach shall receive 10
 244 percent of the local government share derived from the Seminole
 245 Hard Rock Hotel & Casino-Hollywood.

246 (g) Hillsborough County shall receive 100 percent of the
 247 local government share derived from the Seminole Hard Rock Hotel
 248 & Casino-Tampa.

249 (11)-(14) Any moneys remitted by the Tribe before the
 250 effective date of the a compact shall be deposited into the
 251 General Revenue Fund and are entered into by the state and the

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252 ~~Tribe pursuant to this act shall be deemed forfeited by the~~
 253 ~~Tribe and~~ released to the state without further obligation or
 254 encumbrance. The Legislature further finds that acceptance and
 255 appropriation of such funds does not legitimize, validate, or
 256 otherwise ratify any previously proposed compact or the
 257 operation of class III games by the Tribe for any period prior
 258 to the effective date of the ~~a valid compact pursuant to this~~
 259 ~~act.~~

260 (12) ~~(15)~~ For the purpose of satisfying the requirement in
 261 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
 262 under an Indian gaming compact must be permitted in the state
 263 for any purpose by any person, organization, or entity, the
 264 following class III games or other games specified in this
 265 section are hereby authorized to be conducted by the Tribe
 266 pursuant to the ~~a compact that is substantially in the form~~
 267 ~~provided in s. 285.711:~~

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

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

271 (b) ~~(e)~~ Banking or banked card games, including baccarat,
 272 chemin de fer, and blackjack or 21 at the tribal facilities in
 273 Broward County, Collier County, and Hillsborough County.

274 (c) Raffles and drawings.

275 (13) ~~(16)~~ Notwithstanding any other provision of state law,
 276 it is not a crime for a person to participate in the games
 277 specified in subsection (12) ~~(15)~~ at a tribal facility operating
 278 under the ~~a compact entered into pursuant to this~~ section ~~act.~~

279 Section 2. Section 285.711, Florida Statutes, is repealed.

280 Section 3. Section 285.712, Florida Statutes, is created
 281 to read:

282 285.712 Tribal-state gaming compacts.—

283 (1) The Governor is the designated state officer
 284 responsible for negotiating and executing, on behalf of the
 285 state, tribal-state gaming compacts with federally recognized
 286 Indian tribes located within the state pursuant to the federal
 287 Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168
 288 and 25 U.S.C. ss. 2701 et seq., for the purpose of authorizing
 289 class III gaming, as defined in that act, on Indian lands within
 290 the state.

291 (2) Any tribal-state compact relating to gaming activities
 292 which is entered into by an Indian tribe in this state and the
 293 Governor pursuant to subsection (1) must be conditioned upon
 294 ratification by the Legislature.

295 (3) Following completion of negotiations and execution of
 296 a compact, the Governor shall submit a copy of the executed
 297 tribal-state compact to the President of the Senate and the
 298 Speaker of the House of Representatives as soon as it is
 299 executed. To be effective, the compact must be ratified by both
 300 houses of the Legislature by a majority vote of the members
 301 present. The Governor shall file the executed compact with the
 302 Secretary of State pursuant to s. 15.01.

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

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308 Section 4. Paragraph (j) of subsection (1) of section
 309 551.103, Florida Statutes, is redesignated as paragraph (k), and
 310 a new paragraph (j) is added to that subsection to read:

311 551.103 Powers and duties of the division and law
 312 enforcement.—

313 (1) The division shall adopt, pursuant to the provisions
 314 of ss. 120.536(1) and 120.54, all rules necessary to implement,
 315 administer, and regulate slot machine gaming as authorized in
 316 this chapter. Such rules must include:

317 (j) Minimum standards to be followed by a slot machine
 318 licensee for employment of or contracts for armed or unarmed
 319 security personnel consistent with general law.

320 Section 5. Section 26 of chapter 2009-170, Laws of
 321 Florida, is amended to read:

322 Section 26. Sections 1 through 3 of this act and this
 323 section shall take effect upon becoming law. ~~Sections 4 through~~
 324 ~~25 shall take effect only if the Governor and an authorized~~
 325 ~~representative of the Seminole Tribe of Florida execute an~~
 326 ~~Indian Gaming Compact pursuant to the Indian Gaming Regulatory~~
 327 ~~Act of 1988 and requirements of this act, only if the compact is~~
 328 ~~ratified by the Legislature, and only if the compact is approved~~
 329 ~~or deemed approved, and not voided pursuant to the terms of this~~
 330 ~~act, by the Department of the Interior, and such sections take~~
 331 ~~effect on the date that the approved compact is published in the~~
 332 ~~Federal Register.~~

333 Section 6. Sections 4 through 25 of chapter 2009-170, Laws
 334 of Florida, shall take effect upon this act becoming a law.

335 Section 7. This act shall take effect upon becoming a law.