

CHAPTER 2021-268

Committee Substitute for Senate Bill No. 2-A

An act relating to the implementation of the 2021 gaming compact between the Seminole Tribe of Florida and the State of Florida; amending s. 285.710, F.S.; revising the definition of the term “compact”; providing for legislative approval and ratification of a gaming compact between the Seminole Tribe of Florida and the state; requiring the Governor to cooperate with the Tribe in seeking approval and ratification of such compact from the United States Secretary of the Interior; specifying that such compact supersedes a certain other gaming compact under certain circumstances; revising local government share distributions; authorizing the Tribe to conduct additional games, contests, and sports betting; providing age requirements for fantasy sports contests and sports betting; specifying that certain games and gaming activities do not violate the laws of this state; conforming cross-references; amending s. 285.712, F.S.; revising requirements for the Secretary of State relating to a compact; amending s. 551.102, F.S.; defining the term “independent testing laboratory”; amending s. 551.103, F.S.; conforming a provision to changes made by the act; amending s. 849.086, F.S.; providing conditions, requirements, and prohibitions relating to poker games played in a designated player manner; prohibiting a person licensed to operate a cardroom from operating certain games; providing contingent effective dates.

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

Section 1. Effective upon becoming a law, paragraph (a) of subsection (1) and subsection (3) of section 285.710, Florida Statutes, are amended to read:

285.710 Compact authorization.—

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

(a) “Compact” means the most recent ratified and approved gaming compact between the Seminole Tribe of Florida and the State of Florida, executed on April 7, 2010.

(3)(a) The gaming compact between the Seminole Tribe of Florida and the State of Florida, executed by the Governor and the Tribe on April 7, 2010, was is ratified and approved by chapter 2010-29, Laws of Florida.

(b) The gaming compact between the Seminole Tribe of Florida and the State of Florida, executed by the Governor and the Tribe on April 23, 2021, as amended on May 17, 2021, is ratified and approved. The Governor shall cooperate with the Tribe in seeking approval of such compact ratified and approved under this paragraph from the United States Secretary of the Interior. Upon becoming effective, such compact supersedes the gaming

compact ratified and approved under paragraph (a). If the gaming compact ratified and approved under this paragraph is not approved by the United States Secretary of the Interior or is invalidated by court action or change in federal law, the gaming compact ratified and approved under paragraph (a) shall remain in effect ~~The Governor shall cooperate with the Tribe in seeking approval of the compact from the United States Secretary of the Interior.~~

Section 2. Paragraphs (b), (c), and (d) of subsection (10) and subsection (13) of section 285.710, Florida Statutes, are amended, and paragraph (h) is added to subsection (10) of that section, to read:

285.710 Compact authorization.—

(10) The calculations necessary to determine the local government share distributions shall be made by the state compliance agency based upon the net win per facility as provided by the Tribe. The local government share attributable to each casino shall be distributed as follows:

(b) Broward County shall receive 25 percent, the City of Hollywood shall receive ~~42.5~~ 55 percent, the Town of Davie shall receive ~~22.5~~ 40 percent, and the City of Dania Beach shall receive 10 percent of the local government share derived from the Seminole Indian Casino-Hollywood.

(c) Broward County shall receive 25 percent, the City of Hollywood shall receive ~~42.5~~ 55 percent, the Town of Davie shall receive ~~22.5~~ 40 percent, and the City of Dania Beach shall receive 10 percent of the local government share derived from the Seminole Hard Rock Hotel & Casino-Hollywood.

(d) Collier County shall receive ~~75~~ 100 percent and the Immokalee Fire Control District shall receive 25 percent of the local government share derived from the Seminole Indian Casino-Immokalee.

(h) Broward County shall receive 25 percent, the City of Hollywood shall receive 35 percent, the Town of Davie shall receive 30 percent, and the City of Dania Beach shall receive 10 percent of the local government share derived from the additional facilities authorized to be added to the Tribe's Hollywood Reservation under the gaming compact ratified, approved, and described in subsection (3).

(13)(a) For the purpose of satisfying the requirement in 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized under an Indian gaming compact must be permitted in the state for any purpose by any person, organization, or entity, the following class III games or other games specified in this section are hereby authorized to be conducted by the Tribe pursuant to the compact described in subsection (3)(a), if the compact described in subsection (3)(b) is not effective:

1.(a) Slot machines, as defined in s. 551.102(9) ~~s. 551.102(8).~~

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

3.(e) Raffles and drawings.

(b) For the purpose of satisfying the requirement in 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized under an Indian gaming compact must be permitted in the state for any purpose by any person, organization, or entity, the following class III games or other games specified in this section are hereby authorized to be conducted by the Tribe pursuant to the compact described in subsection (3)(b), when such compact has been approved by the United States Secretary of the Interior, has not been invalidated by court action or change in federal law, and is effective:

1. Slot machines, as defined in s. 551.102(9).

2. Banking or banked card games, including baccarat, chemin de fer, and blackjack (21), and card games banked by the house, by a bank established by the house, or by a player.

3. Raffles and drawings.

4. Craps, including dice games such as sic-bo and any similar variations thereof.

5. Roulette, including big six and any similar variations thereof.

6. Fantasy sports contests. The acceptance of entry fees for fantasy sports contests conducted by the Tribe, including the receipt of entry fees paid by players physically located within the state using a mobile or other electronic device, shall be deemed to be exclusively conducted by the Tribe where the servers or other devices used to conduct such contests on the Tribe's Indian lands are located. A person must be 21 years of age or older to pay an entry fee for fantasy sports contests.

7. Sports betting. Wagers on sports betting, including wagers made by players physically located within the state using a mobile or other electronic device, shall be deemed to be exclusively conducted by the Tribe where the servers or other devices used to conduct such wagering activity on the Tribe's Indian lands are located. A person must be 21 years of age or older to wager on sports betting.

Games and gaming activities authorized under this subsection and conducted pursuant to a gaming compact ratified and approved under subsection (3) do not violate the laws of this state.

Section 3. Effective upon becoming a law, subsection (4) of section 285.712, Florida Statutes, is amended to read:

285.712 Tribal-state gaming compacts.—

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

Section 4. Present subsections (5) through (13) of section 551.102, Florida Statutes, are redesignated as subsections (6) through (14), respectively, and a new subsection (5) is added to that section, to read:

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

(5) “Independent testing laboratory” means an independent laboratory:

(a) With demonstrated competence testing gaming machines and equipment;

(b) That is licensed by at least 10 other states; and

(c) That has not had its license suspended or revoked by any other state within the immediately preceding 10 years.

Section 5. Paragraph (c) of subsection (1) of section 551.103, Florida Statutes, is amended to read:

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

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

(c) Procedures to scientifically test and technically evaluate slot machines for compliance with this chapter. The division may contract with an independent testing laboratory to conduct any necessary testing under this section. ~~The independent testing laboratory must have a national reputation which is demonstrably competent and qualified to scientifically test and evaluate slot machines for compliance with this chapter and to otherwise perform the functions assigned to it in this chapter.~~ An independent testing laboratory shall not be owned or controlled by a licensee. The use of an independent testing laboratory for any purpose related to the conduct of slot machine gaming by a licensee under this chapter shall be made from a list of one or more laboratories approved by the division.

Section 6. Subsection (10) and paragraph (a) of subsection (12) of section 849.086, Florida Statutes, are amended, and paragraph (h) is added to subsection (7) of that section, to read:

849.086 Cardrooms authorized.—

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(h) Poker games played in a designated player manner in which one player is permitted, but not required, to cover other players' wagers must comply with the following restrictions:

1. Poker games to be played in a designated player manner must have been identified in cardroom license applications approved by the division on or before March 15, 2018, or, if a substantially similar poker game, identified in cardroom license applications approved by the division on or before April 1, 2021.

2. If the cardroom is located in a county where slot machine gaming is authorized under chapter 285 or chapter 551, the cardroom operator is limited to offering no more than 10 tables for the play of poker games in a designated player manner.

3. If the cardroom is located in a county where slot machine gaming is not authorized under chapter 285 or chapter 551, the cardroom operator is limited to offering no more than 30 tables for the play of poker games in a designated player manner.

4. There may not be more than nine players and the nonplayer dealer at each table.

(10) FEE FOR PARTICIPATION; PROHIBITIONS RELATING TO ECONOMIC INTEREST AND WINNINGS FOR CERTAIN GAMES.—

(a) The cardroom operator may charge a fee for the right to participate in games conducted at the cardroom. Such fee may be either a flat fee or hourly rate for the use of a seat at a table or a rake subject to the posted maximum amount but may not be based on the amount won by players. The rake-off, if any, must be made in an obvious manner and placed in a designated rake area which is clearly visible to all players. Notice of the amount of the participation fee charged shall be posted in a conspicuous place in the cardroom and at each table at all times.

(b)1. A cardroom operator may not have any direct economic interest in a poker game played in a designated player manner, except for the rake.

2. A cardroom operator may not receive any portion of the winnings of a poker game played in a designated player manner.

(12) PROHIBITED ACTIVITIES.—

(a) No person licensed to operate a cardroom may conduct any banking game or any game not specifically authorized by this section or operate any game that violates the exclusivity provided in the gaming compact ratified, approved, and described in s. 285.710(3).

Section 7. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect only if the Gaming Compact between the Seminole Tribe of

Florida and the State of Florida executed by the Governor and the Seminole Tribe of Florida on April 23, 2021, as amended on May 17, 2021, under the Indian Gaming Regulatory Act of 1988, is approved or deemed approved and not voided by the United States Department of the Interior, and shall take effect on the date that notice of the effective date of the compact is published in the Federal Register.

Approved by the Governor May 25, 2021.

Filed in Office Secretary of State May 25, 2021.