

House Joint Resolution

A joint resolution proposing the creation of Section 28 of Article X of the State Constitution to require that any expansion of gambling be authorized by a constitutional amendment proposed by initiative petition and approved by Florida voters and providing construction.

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

That the following creation of Section 28 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 28. Voter control of gambling expansion.—

(a) PUBLIC POLICY.—The power to authorize the expansion of gambling in this state is reserved to the people. No expansion of gambling is authorized except by amendment to this constitution proposed by initiative petition pursuant to Section 3 of Article XI and approved by the electors pursuant to Section 5 of Article XI.

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

26           (1) "Expansion of gambling" means the introduction of  
 27 gambling at any facility or location other than those facilities  
 28 and locations:

- 29           a. Lawfully conducting gambling as of March 4, 2014; or  
 30           b. Expressly authorized to conduct gambling by legislation  
 31 enacted during the 2014 regular session of the legislature.

32  
 33 The term "expansion of gambling" also includes the introduction  
 34 of additional types or categories of gambling at any such  
 35 facility or location.

36           (2) "Gambling" means any of the types of games that are  
 37 within the definition of class III gaming in the federal Indian  
 38 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq., and in 25  
 39 C.F.R. s. 502.4, as of the effective date of this amendment. The  
 40 term "gambling" includes, but is not limited to, house banking  
 41 games such as baccarat, chemin de fer, blackjack (21), and pai  
 42 gow (if played as house banking games); casino games such as  
 43 roulette, craps, and keno; slot machines as defined in 15 U.S.C.  
 44 s. 1171(a) (1); electronic or electromechanical facsimiles of any  
 45 game of chance; sports betting and pari-mutuel wagering,  
 46 including, but not limited to, wagering on horse racing, dog  
 47 racing, or jai alai; and lotteries (other than state-operated  
 48 lotteries). The term "gambling" also includes the use of any  
 49 electronic gambling device, Internet sweepstakes device, or  
 50 video lottery terminal (other than a state-operated video

51 lottery terminal), regardless of how those devices are defined  
 52 under the federal Indian Gaming Regulatory Act.

53 (c) LEGISLATIVE AUTHORITY RETAINED.—This section does not  
 54 limit the authority of the legislature to restrict, regulate, or  
 55 tax any gambling activity by general law.

56 (d) TRIBAL-STATE COMPACTING AUTHORITY UNAFFECTED.—This  
 57 section does not limit the authority or obligation of the State  
 58 of Florida to negotiate a tribal-state compact under the federal  
 59 Indian Gaming Regulatory Act or to affect any existing tribal-  
 60 state compact.

61 BE IT FURTHER RESOLVED that the following statement be  
 62 placed on the ballot:

63 CONSTITUTIONAL AMENDMENT

64 ARTICLE X, SECTION 28

65 VOTER CONTROL OF GAMBLING EXPANSION IN FLORIDA.—Proposing  
 66 an amendment to the State Constitution to provide that the power  
 67 to authorize the expansion of gambling in Florida is reserved to  
 68 the people. Prohibits the expansion of gambling unless proposed  
 69 and approved as a constitutional amendment by initiative  
 70 petition. Defines terms "expansion of gambling" and "gambling."  
 71 Provides that the amendment does not affect the Legislature's  
 72 authority to restrict, regulate, or tax any gambling activity or  
 73 the state's authority regarding tribal-state compacts.

74 BE IT FURTHER RESOLVED that the following statement be  
 75 placed on the ballot if a court declares the preceding statement  
 76 defective and the decision of the court is not reversed:

## 77 CONSTITUTIONAL AMENDMENT

## 78 ARTICLE X, SECTION 28

79 VOTER CONTROL OF GAMBLING EXPANSION IN FLORIDA.—This  
80 proposed amendment to the State Constitution provides that the  
81 power to authorize the expansion of gambling in Florida is  
82 reserved to the people. The proposed amendment prohibits the  
83 expansion of gambling unless proposed and approved as a  
84 constitutional amendment by initiative petition. By providing  
85 that an initiative petition is the exclusive means of amending  
86 the State Constitution to authorize the expansion of gambling,  
87 the proposed amendment affects Article XI of the State  
88 Constitution.

89 For purposes of the proposed amendment, the term "gambling"  
90 means any of the types of games that are defined as class III  
91 gaming under the federal Indian Gaming Regulatory Act, including  
92 house banking games, casino games, sports betting and pari-  
93 mutuel wagering, and non-state-operated lotteries. The term  
94 "gambling" also includes the use of any electronic gambling  
95 device, Internet sweepstakes device, or video lottery terminal  
96 (other than a state-operated video lottery terminal), regardless  
97 of how those devices are defined under the federal Indian Gaming  
98 Regulatory Act.

99 For purposes of the proposed amendment, the term "expansion  
100 of gambling" means the introduction of gambling at any facility  
101 or location other than those facilities and locations: (1)  
102 lawfully conducting gambling as of March 4, 2014; or (2)

103 expressly authorized to conduct gambling by legislation adopted  
 104 during the 2014 regular session of the Legislature. The term  
 105 "expansion of gambling" also includes the introduction of  
 106 additional types or categories of gambling at any such facility  
 107 or location.

108 The proposed amendment does not affect the Legislature's  
 109 authority to restrict, regulate, or tax any gambling activity by  
 110 general law. The proposed amendment does not limit the authority  
 111 or obligation of the State of Florida to negotiate a tribal-  
 112 state compact under the federal Indian Gaming Regulatory Act or  
 113 affect any existing tribal-state compact.

114 BE IT FURTHER RESOLVED that the following statement be  
 115 placed on the ballot if a court declares the preceding  
 116 statements defective and the decision of the court is not  
 117 reversed:

118 CONSTITUTIONAL AMENDMENT

119 ARTICLE X, SECTION 28

120 VOTER CONTROL OF GAMBLING EXPANSION IN FLORIDA.—Proposing  
 121 the following amendment to the State Constitution:

122 ARTICLE X

123 MISCELLANEOUS

124 SECTION 28. Voter control of gambling expansion.—

125 (a) PUBLIC POLICY.—The power to authorize the expansion of  
 126 gambling in this state is reserved to the people. No expansion  
 127 of gambling is authorized except by amendment to this  
 128 constitution proposed by initiative petition pursuant to Section

129 3 of Article XI and approved by the electors pursuant to Section  
 130 5 of Article XI.

131 (b) DEFINITIONS.—As used in this section, the term:

132 (1) "Expansion of gambling" means the introduction of  
 133 gambling at any facility or location other than those facilities  
 134 and locations:

135 a. Lawfully conducting gambling as of March 4, 2014; or

136 b. Expressly authorized to conduct gambling by legislation  
 137 enacted during the 2014 regular session of the legislature.

138  
 139 The term "expansion of gambling" also includes the introduction  
 140 of additional types or categories of gambling at any such  
 141 facility or location.

142 (2) "Gambling" means any of the types of games that are  
 143 within the definition of class III gaming in the federal Indian  
 144 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq., and in 25  
 145 C.F.R. s. 502.4, as of the effective date of this amendment. The  
 146 term "gambling" includes, but is not limited to, house banking  
 147 games such as baccarat, chemin de fer, blackjack (21), and pai  
 148 gow (if played as house banking games); casino games such as  
 149 roulette, craps, and keno; slot machines as defined in 15 U.S.C.  
 150 s. 1171(a) (1); electronic or electromechanical facsimiles of any  
 151 game of chance; sports betting and pari-mutuel wagering,  
 152 including, but not limited to, wagering on horse racing, dog  
 153 racing, or jai alai; and lotteries (other than state-operated  
 154 lotteries). The term "gambling" also includes the use of any

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155 electronic gambling device, Internet sweepstakes device, or  
156 video lottery terminal (other than a state-operated video  
157 lottery terminal), regardless of how those devices are defined  
158 under the federal Indian Gaming Regulatory Act.

159 (c) LEGISLATIVE AUTHORITY RETAINED.—This section does not  
160 limit the authority of the legislature to restrict, regulate, or  
161 tax any gambling activity by general law.

162 (d) TRIBAL-STATE COMPACTING AUTHORITY UNAFFECTED.—This  
163 section does not limit the authority or obligation of the State  
164 of Florida to negotiate a tribal-state compact under the federal  
165 Indian Gaming Regulatory Act or to affect any existing tribal-  
166 state compact.