

1 House Joint Resolution

2 A joint resolution proposing the creation of Section  
 3 28 of Article X of the State Constitution to require  
 4 that any expansion of gambling be authorized by a  
 5 constitutional amendment proposed by initiative  
 6 petition and approved by Florida voters and providing  
 7 construction.

8  
 9 Be It Resolved by the Legislature of the State of Florida:

10  
 11 That the following creation of Section 28 of Article X of  
 12 the State Constitution is agreed to and shall be submitted to  
 13 the electors of this state for approval or rejection at the next  
 14 general election or at an earlier special election specifically  
 15 authorized by law for that purpose:

16 ARTICLE X

17 MISCELLANEOUS

18 SECTION 28. Voter control of gambling expansion.-

19 (a) PUBLIC POLICY.-The power to authorize the expansion of  
 20 gambling in this state is reserved to the people. No expansion  
 21 of gambling is authorized except by amendment to this  
 22 constitution proposed by initiative petition pursuant to Section  
 23 3 of Article XI and approved by the electors pursuant to Section  
 24 5 of Article XI.

25 (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 operating 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 facility or  
 35 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 operating as of March 4, 2014; or (2) expressly

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

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

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

117 CONSTITUTIONAL AMENDMENT

118 ARTICLE X, SECTION 28

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

121 ARTICLE X

122 MISCELLANEOUS

123 SECTION 28. Voter control of gambling expansion.—

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

128 3 of Article XI and approved by the electors pursuant to Section  
 129 5 of Article XI.

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

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

134 a. Lawfully operating as of March 4, 2014; or

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

137  
 138 The term "expansion of gambling" also includes the introduction  
 139 of additional types or categories of gambling at any facility or  
 140 location.

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

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

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

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