

1 House Joint Resolution

2 A joint resolution proposing the creation of Section  
 3 29 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:

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 11 That the following creation of Section 29 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 29. 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 a constitutional amendment  
 22 proposed by initiative petition pursuant to Section 3 of Article  
 23 XI and approved by the electors pursuant to Section 5 of Article  
 24 XI.

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

26       (1) "Expansion of gambling" means the introduction of  
 27 gambling at a facility or location other than a facility or  
 28 location that lawfully conducts gambling as of January 1, 2016,  
 29 or is expressly authorized to conduct gambling by legislation  
 30 enacted during the 2016 regular session of the legislature.  
 31 The term "expansion of gambling" includes the introduction of  
 32 additional types or categories of gambling at any such facility  
 33 or location.

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

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

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

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

62 CONSTITUTIONAL AMENDMENT

63 ARTICLE X, SECTION 29

64 VOTER CONTROL OF GAMBLING EXPANSION IN FLORIDA.—Proposing  
 65 an amendment to the State Constitution to provide that the power  
 66 to authorize the expansion of gambling in Florida is reserved to  
 67 the people; prohibit the expansion of gambling unless proposed  
 68 and approved as a constitutional amendment by initiative  
 69 petition; define "expansion of gambling" and "gambling"; and  
 70 clarify that this amendment does not affect the right of the  
 71 Legislature to exercise its authority through general law or the  
 72 state's authority regarding tribal-state compacts.

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

76 CONSTITUTIONAL AMENDMENT

77 ARTICLE X, SECTION 29

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

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

98 For purposes of the proposed amendment, the term "expansion  
99 of gambling" means the introduction of gambling at a facility or  
100 location other than those facilities and locations: (1) lawfully  
101 conducting gambling as of January 1, 2016; or (2) expressly  
102 authorized to conduct gambling by legislation adopted during the  
103 2016 regular session of the Legislature. The term "expansion of

104 gambling" also includes the introduction of additional types or  
 105 categories of gambling at any such facility or location.

106 The proposed amendment does not affect the right of the  
 107 Legislature to exercise its authority through general law to  
 108 restrict, regulate, or tax any gambling activity. The proposed  
 109 amendment does not affect or limit the authority of the State of  
 110 Florida to negotiate a tribal-state compact under the federal  
 111 Indian Gaming Regulatory Act or affect any existing tribal-state  
 112 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 29

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

121 ARTICLE X

122 MISCELLANEOUS

123 SECTION 29. 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 a constitutional amendment  
 127 proposed by initiative petition pursuant to Section 3 of Article  
 128 XI and approved by the electors pursuant to Section 5 of Article  
 129 XI.

130       (b) DEFINITIONS.—As used in this section, the term:  
 131       (1) "Expansion of gambling" means the introduction of  
 132 gambling at a facility or location other than a facility or  
 133 location that lawfully conducts gambling as of January 1, 2016,  
 134 or is expressly authorized to conduct gambling by legislation  
 135 enacted during the 2016 regular session of the legislature.  
 136 The term "expansion of gambling" includes the introduction of  
 137 additional types or categories of gambling at any such facility  
 138 or location.  
 139       (2) "Gambling" means any of the types of games that are  
 140 within the definition of class III gaming in the federal Indian  
 141 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq., and in 25  
 142 C.F.R. s. 502.4, as of the effective date of this section. The  
 143 term "gambling" includes, but is not limited to, any banking  
 144 game, including, but not limited to, card games such as  
 145 baccarat, chemin de fer, blackjack or 21, and pai gow; casino  
 146 games such as roulette, craps, and keno; slot machines as  
 147 defined in 15 U.S.C. s. 1171(a)(1); electronic or  
 148 electromechanical facsimiles of any game of chance; sports  
 149 betting and pari-mutuel wagering, including, but not limited to,  
 150 wagering on horseracing, dog racing, or jai alai exhibitions;  
 151 and lotteries other than state-operated lotteries. The term  
 152 "gambling" also includes the use of any electronic gambling  
 153 device, Internet sweepstakes device, or video lottery terminal  
 154 other than a state-operated video lottery terminal, regardless

155 of how those devices are defined under the federal Indian Gaming  
 156 Regulatory Act.

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

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