

House Joint Resolution

A joint resolution proposing the creation of Section 29 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 29 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 29. 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 a constitutional amendment 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 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.

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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

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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

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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.