

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Regulatory Affairs
2 Committee
3 Representative Moskowitz offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 That the following creation of Section 29 of Article X of the
8 State Constitution is agreed to and shall be submitted to the
9 electors of this state for approval or rejection at the next
10 general election or at an earlier special election specifically
11 authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

14 SECTION 29. Voter control of gambling expansion or
15 reduction.—

16 (a) PUBLIC POLICY.—The power to authorize the expansion or
17 reduction of gambling in this state is reserved to the people.

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM

Amendment No. 1

18 No expansion or reduction of gambling is authorized except by a
19 constitutional amendment proposed by initiative petition
20 pursuant to Section 3 of Article XI and approved by the electors
21 pursuant to Section 5 of Article XI.

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

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

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

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM

Amendment No. 1

44 "gambling" also includes the use of any electronic gambling
45 device, Internet sweepstakes device, or video lottery terminal
46 other than a state-operated video lottery terminal, regardless
47 of how those devices are defined under the federal Indian Gaming
48 Regulatory Act.

49 (3) "Reduction of gambling" means the removal of gambling
50 at a facility or location that lawfully conducts gambling as of
51 January 1, 2016, or is expressly authorized to conduct gambling
52 by legislation enacted during the 2016 regular session of the
53 legislature. The term "reduction of gambling" includes the
54 removal of additional types or categories of gambling at any
55 such facility or location.

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

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

64 BE IT FURTHER RESOLVED that the following statement be
65 placed on the ballot:

66 CONSTITUTIONAL AMENDMENT

67 ARTICLE X, SECTION 29

68 VOTER CONTROL OF GAMBLING EXPANSION OR REDUCTION IN
69 FLORIDA.—Proposing an amendment to the State Constitution to

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM

Amendment No. 1

70 provide that the power to authorize the expansion or reduction
71 of gambling in Florida is reserved to the people; prohibit the
72 expansion or reduction of gambling unless proposed and approved
73 as a constitutional amendment by initiative petition; define
74 "expansion of gambling," "gambling," and reduction of gambling;"
75 and clarify that this amendment does not affect the right of the
76 Legislature to exercise its authority through general law or the
77 state's authority regarding tribal-state compacts.

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

81 CONSTITUTIONAL AMENDMENT

82 ARTICLE X, SECTION 29

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

93 For purposes of the proposed amendment, the term "gambling"
94 means any of the types of games that are defined as class III
95 gaming under the federal Indian Gaming Regulatory Act, including

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM

Amendment No. 1

96 banking games, casino games, sports betting and pari-mutuel
97 wagering, and non-state-operated lotteries. The term "gambling"
98 also includes the use of any electronic gambling device,
99 Internet sweepstakes device, or video lottery terminal other
100 than a state-operated video lottery terminal, regardless of how
101 those devices are defined under the federal Indian Gaming
102 Regulatory Act.

103 For purposes of the proposed amendment, the term "expansion
104 of gambling" means the introduction of gambling at a facility or
105 location other than those facilities and locations: (1) lawfully
106 conducting gambling as of January 1, 2016; or (2) expressly
107 authorized to conduct gambling by legislation adopted during the
108 2016 regular session of the Legislature. The term "expansion of
109 gambling" also includes the introduction of additional types or
110 categories of gambling at any such facility or location.

111 For purposes of the proposed amendment, the term "reduction
112 of gambling" means the removal of gambling at a facility or
113 location that lawfully conducts gambling as of January 1, 2016,
114 or is expressly authorized to conduct gambling by legislation
115 enacted during the 2016 regular session of the legislature. The
116 term "reduction of gambling" includes the removal of additional
117 types or categories of gambling at any such facility or
118 location.

119 The proposed amendment does not affect the right of the
120 Legislature to exercise its authority through general law to
121 restrict, regulate, or tax any gambling activity. The proposed

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM

Amendment No. 1

122 amendment does not affect or limit the authority of the State of
123 Florida to negotiate a tribal-state compact under the federal
124 Indian Gaming Regulatory Act or affect any existing tribal-state
125 compact.

126 BE IT FURTHER RESOLVED that the following statement be
127 placed on the ballot if a court declares the preceding
128 statements defective and the decision of the court is not
129 reversed:

130 CONSTITUTIONAL AMENDMENT

131 ARTICLE X, SECTION 29

132 VOTER CONTROL OF GAMBLING EXPANSION OR REDUCTION IN
133 FLORIDA.—Proposing the following amendment to the State
134 Constitution:

135 ARTICLE X

136 MISCELLANEOUS

137 SECTION 29. Voter control of gambling expansion or
138 reduction.—

139 (a) PUBLIC POLICY.—The power to authorize the expansion or
140 reduction of gambling in this state is reserved to the people.
141 No expansion or reduction of gambling is authorized except by a
142 constitutional amendment proposed by initiative petition
143 pursuant to Section 3 of Article XI and approved by the electors
144 pursuant to Section 5 of Article XI.

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

146 (1) "Expansion of gambling" means the introduction of
147 gambling at a facility or location other than a facility or

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM

Amendment No. 1

148 location that lawfully conducts gambling as of January 1, 2016,
149 or is expressly authorized to conduct gambling by legislation
150 enacted during the 2016 regular session of the legislature.
151 The term "expansion of gambling" includes the introduction of
152 additional types or categories of gambling at any such facility
153 or location.

154 (2) "Gambling" means any of the types of games that are
155 within the definition of class III gaming in the federal Indian
156 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq., and in 25
157 C.F.R. s. 502.4, as of the effective date of this section. The
158 term "gambling" includes, but is not limited to, any banking
159 game, including, but not limited to, card games such as
160 baccarat, chemin de fer, blackjack or 21, and pai gow; casino
161 games such as roulette, craps, and keno; slot machines as
162 defined in 15 U.S.C. s. 1171(a)(1); electronic or
163 electromechanical facsimiles of any game of chance; sports
164 betting and pari-mutuel wagering, including, but not limited to,
165 wagering on horseracing, dog racing, or jai alai exhibitions;
166 and lotteries other than state-operated lotteries. The term
167 "gambling" also includes the use of any electronic gambling
168 device, Internet sweepstakes device, or video lottery terminal
169 other than a state-operated video lottery terminal, regardless
170 of how those devices are defined under the federal Indian Gaming
171 Regulatory Act.

172 (3) "Reduction of gambling" means the removal of gambling
173 at a facility or location that lawfully conducts gambling as of

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM

Amendment No. 1

174 January 1, 2016, or is expressly authorized to conduct gambling
175 by legislation enacted during the 2016 regular session of the
176 legislature. The term "reduction of gambling" includes the
177 removal of additional types or categories of gambling at any
178 such facility or location.

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

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

187
188 -----
189 **T I T L E A M E N D M E N T**

190 Remove everything before the enacting clause and insert:

191 House Joint Resolution

192 A joint resolution proposing the creation of Section
193 29 of Article X of the State Constitution to require
194 that any expansion or reduction of gambling be
195 authorized by a constitutional amendment proposed by
196 initiative petition and approved by Florida voters and
197 providing construction.

198

PCB RAC 16-03 Strike1

Published On: 2/8/2016 8:33:49 PM