

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title: Authorizes a Limited Number of New Casinos.

Ballot Summary: Authorizes three new casinos to conduct casino gaming. Directs the Florida Gaming Control Commission to license casinos based upon the merits of applications, and also taking into consideration job creation, location, and capital investment. Imposes limitations on location of casinos. Defines “casino” and “casino gaming.” Allows taxation and regulation of casino gaming consistent with the amendment.

Article and Section Being Created or Amended: Article X, Section 33 is created

Full Text of the Proposed Amendment: Article X, Section 33 is created.

- (a) DEFINITIONS. As used in this section, the following words and terms shall have the following meanings:
- (1) “Casino” means a facility at which Casino Gaming is authorized as provided in this section.
 - (2) “Casino Gaming” shall include any form of gaming that is within the definition of Class III gaming in the Federal Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. (“IGRA”), and in 25 C.F.R. § 502.4, upon adoption of this amendment, and any forms of gaming that are added to such definition of Class III gaming in the future. This includes, but is not limited to, any house banking game, including but not limited to card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games); any player-banked game that simulates a house banking game, such as California black jack; casino games such as roulette, craps, and keno; any slot machines as defined in 15 U.S.C. § 1171(a)(1); and electronic gambling devices, simulated gambling devices, internet sweepstakes devices, and other forms of electronic or electromechanical facsimiles of any game of chance, slot machine, or casino-style game, regardless of how such devices are defined under IGRA. As used herein, “Casino Gaming” shall also include any game or series of games of poker or dominoes. “Casino Gaming” shall not include Sports Betting, lotteries within the meaning of Article X, section 7, or pari-mutuel wagering on horse racing, dog racing, jai alai exhibitions, or any activity prohibited by federal law. For purposes of this section, “gambling” and “gaming” are synonymous.
 - (3) “Commission” means the Florida Gaming Control Commission created by public law, or its successor.
 - (4) “Gaming Complex” means the structure housing the Gaming Floor, and all related retail, hotel, entertainment, convention, financial facilities (including automated teller machines and facilities utilized to extend credit to casino patrons), and restaurant facilities, provided that such facilities are located in close proximity to the Gaming Floor.
 - (5) “Gaming Floor” means the area of a Casino where Casino Gaming is conducted.
 - (6) “Gaming Position” means a playing position from which an individual may participate in any form

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of Casino Gaming authorized by this section.

(7) “Seminole Tribe Gaming Compact” means the 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida, executed April 23, 2021, as amended May 17, 2021.

(8) “Sports Betting” means wagering on any past or future professional sport or athletic event, competition or contest; any Olympic or international sports competition event; any collegiate sport or athletic event (but not including proposition bets on such collegiate sport or event); any motor vehicle race; or any portion of any of the foregoing, including but not limited to the individual performance statistics of an athlete or other individual participant in any event or combination of events, or any other in-play wagering with respect to any such sporting event, competition or contest, except “Sports Betting” does not include Fantasy Sports Contests (as defined in the Seminole Tribe Gaming Compact), pari-mutuel wagering, or any other type of game that is excluded from the definition of “Sports Betting” pursuant to the Seminole Tribe Gaming Compact.

(9) “Tribal Facility” means the buildings in which any type of Casino Gaming is conducted at the following casinos pursuant to the Seminole Tribe Gaming Compact:

- (a) Seminole Indian Casino - Big Cypress, Clewiston, FL
- (b) Seminole Indian Casino – Brighton, Okeechobee, FL
- (c) Seminole Indian Casino – Coconut Creek, Coconut Creek, FL
- (d) Seminole Indian Casino – Hollywood, Hollywood, FL
- (e) Seminole Hard Rock Hotel & Casino – Hollywood, Hollywood, FL
- (f) Seminole Indian Casino – Immokalee, Immokalee, FL
- (g) Seminole Hard Rock Hotel & Casino – Tampa, Tampa, FL

(b) AUTHORIZATION OF CASINO GAMING. In accordance with Article X, section 30, Casino Gaming is hereby authorized to be conducted at three Casinos licensed by the Commission.

(c) CASINO LICENSURE. The Commission shall establish a procedure for the licensure of three Casinos and shall provide for the award of such licenses via a competitive application process based upon the relative merits of the applications received for such licenses, including consideration of the applicant's demonstrated track record of operating Casino Gaming and financial viability to satisfy the requirements of this section and ensure continued operations, and also taking into consideration job creation, location and capital investment amount. Such licenses shall be issued no later than July 1, 2024. Each applicant for licensure must demonstrate that it will expend at least \$500,000,000 in new development and construction costs related to the applicant's proposed Gaming Complex. Qualifying expenditures include improvements to property, furnishings, and other equipment, but shall not include any purchase price and costs associated with the acquisition of real property on which the Gaming Complex is located. Such expenditures must, in the aggregate, be completed within three years after receipt of licensure. Failure to make the required expenditures will result in revocation of licensure. The minimum capital investment requirement included herein shall be adjusted annually by the change in the Consumer Price Index compiled by the United States Department of Labor, and shall be fixed at the time a business is licensed to conduct Casino Gaming.

(d) LOCATION LIMITATIONS. No portion of the Gaming Floor of a Casino licensed hereunder may be located within 100 miles on a straight line from any Tribal Facility.

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- (e) CONSTRUCTION. Nothing herein shall be deemed to prohibit the conduct of a game or series of games of poker or dominoes which are played in a nonbanking manner, or any other form of Class II gaming within the definition of IGRA, if such gaming is conducted in accordance with Florida law. In addition, nothing herein shall be deemed to limit any other authorization of gambling or gaming provided by this Constitution or by law or to limit the right of state and local government to exercise their authority through general law to regulate or tax any gaming or gambling activities, including through the establishment of age restrictions, so long as such regulation is consistent with this section and does not prohibit any gaming or gambling activities authorized by this section, restrict the number of games or total Gaming Positions in a Casino, or impose zoning requirements more restrictive than those applicable to hotels or pari-mutuel facilities. Nothing herein shall be construed to limit the ability of the state or Native American tribes to negotiate gaming compacts pursuant to IGRA for the conduct of casino gaming on tribal lands, or to affect any existing gaming on tribal lands pursuant to compacts executed by the state and Native American tribes pursuant to IGRA.
- (f) EFFECTIVE DATE. This section is effective upon approval by the voters, is self-executing, and no Legislative implementation is required.
- (g) SEVERABILITY. If any part of this section is held invalid for any reason, the remaining portion or portions shall be severed from the invalid portion and given the fullest possible force and effect.

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