

# CONSTITUTIONAL AMENDMENT FULL TEXT

**Ballot Title:** Limited Authorization of Casino Gaming.

**Ballot Summary:** Authorizes businesses with active cardroom licenses as of January 1, 2022 to offer casino gaming if they meet location limitations and make minimum capital investment towards new development and construction. Authorizes such businesses to relocate within the same county prior to December 31, 2025. Defines "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) "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.

## Initiative Information

**Date Approved** 7/15/2021

**Serial Number** 21-16

**Sponsor Name:** Florida Voters in Charge

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- (4) “Gaming Floor” means the area of a Casino where Casino Gaming is conducted.
- (5) “Gaming Position” means a playing position from which an individual may participate in any form of Casino Gaming authorized by this section.
- (6) “License Holder” means a holder of an active cardroom license issued by the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, as of January 1, 2022, or any person to whom such license is subsequently transferred.
- (7) “Notice of Commencement of Casino Gaming” means a notice provided to the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, or such other entity as may be designated by statute, that a License Holder:
- i) holds an active cardroom license issued by the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, as of January 1, 2022,
  - ii) meets the requirements of subsection (c),
  - iii) commits to the requirements of subsection (d), and
  - iv) intends to commence Casino Gaming under this Section.
- (8) “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.
- (9) “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.
- (10) “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

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- (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 by any License Holder subject to the location and capital investment requirements of subsections (c) and (d) below, and such Casino Gaming may be commenced immediately upon submission of a Notice of Commencement of Casino Gaming.
- (c) LOCATION LIMITATIONS. A License Holder shall be authorized to conduct Casino Gaming only if the Gaming Floor of such License Holder is more than 130 miles on a straight line from all Tribal Facilities. Prior to or after the commencement of Casino Gaming, a License Holder may relocate its Gaming Floor to another location within the same county, provided that such relocation is completed prior to December 31, 2025.
- (d) MINIMUM CAPITAL INVESTMENT REQUIREMENT. Within three years of submission of a Notice of Commencement of Casino Gaming, a License Holder must expend at least \$250,000,000 in new development and construction costs related to the License Holder’s 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 submission of a Notice of Commencement of Casino Gaming. Failure to make the required expenditures within three years after submission of a Notice of Commencement of Casino Gaming will result in suspension of Casino Gaming authorization until such time as the License Holder meets the expenditure requirement. 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 License Holder submits a Notice of Commencement of Casino Gaming pursuant to this Section. Ownership of the License or License Holder, or any portion thereof, may, at any time, be sold or transferred for any purpose, including, but not limited to, raising the funds required to comply with this subpart, to any person not prohibited from holding a pari-mutuel permit pursuant to section 550.1815, Florida Statutes (2021).

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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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