

# Supreme Court of Florida

MONDAY, MAY 21, 2001

CASE NO.: SC01-1000

ADVISORY OPINION TO THE ATTORNEY GENERAL  
RE: AUTHORIZATION FOR COUNTY VOTERS TO APPROVE OR  
DISAPPROVE SLOT MACHINES WITHIN EXISTING PARI-MUTUEL  
FACILITIES

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## INTERLOCUTORY ORDER

Robert A. Butterworth, pursuant to the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, has requested this Court's opinion as to whether the text of the proposed amendment seeking to amend the Florida Constitution to provide authorization for county voters to approve or disapprove slot machines within existing pari-mutuel facilities, complies with Article XI, section 3, Florida Constitution, and whether the proposed ballot title and summary comply with section 101.161, Florida Statutes. The petition provides:

Article X, Section 19 is created to read:

SECTION 19. AUTHORIZATION FOR COUNTY VOTERS TO  
APPROVE OR DISAPPROVE SLOT MACHINES WITHIN EXISTING  
PARI-MUTUEL FACILITIES.-

(a) Slot machines are hereby permitted in those counties where the electorate has authorized slot machines pursuant to referendum, and then only within licensed pari-mutuel facilities (i.e., thoroughbred horse racing tracks, harness racing tracks, jai-alai frontons, and greyhound dog racing tracks) authorized by law as of the effective date of this section, which facilities have conducted live pari-mutuel wagering events in each of the two immediately preceding twelve month periods.

(b) Within 180 days of the voters' approval of this amendment, the legislature, by general law, shall implement this section with legislation to license, regulate and tax slot machines. The requirement of a 2/3

majority vote for new state taxes in Article XI, Section 7 of this constitution shall not apply to any slot machine tax authorized by general law in accordance with the mandate of this amendment to the constitution.

(c) The legislature, by general law, shall appropriate tax revenue derived from slot machines to enhance senior citizen services, classroom construction, education programs, and teachers' salaries and benefits.

(d) Following the effective date of this amendment and its implementation by the legislature, the governing body of each county in which there is an eligible pari-mutuel facility as defined in subsection (a), may authorize a referendum on whether to approve or disapprove slot machines within its jurisdiction. The electorate of such county, by a majority vote of the voters in such county then voting on this referendum, may authorize slot machines within its jurisdiction.

(e) If the electorate in a particular county votes not to authorize slot machines, that county may conduct subsequent elections for the purposes of considering whether to authorize slot machines pursuant to subsection (a) hereof no earlier than two years after any vote in which slot machines were not authorized.

(f) If any portion of this section is held invalid for any reason, the remaining portion or portions of this section, to the fullest extent possible, shall be severed from the void portion and be given the fullest possible force and application.

(g) This amendment shall take effect on the date approved by the electorate; provided, however, that no slot machines shall be authorized to operate in the state until July 1, 2003.

The ballot title and summary for the proposed amendment provides:

This amendment authorizes county voters to approve or disapprove, in their respective counties only, slot machines at existing pari-mutuel facilities only; requires the legislature to license, regulate and tax such slot machines and to appropriate such tax revenues to enhance senior citizen and education programs; permits voters to authorize the taxation of slot machines by simple majority vote rather than the 2/3 majority vote for new state taxes provided in Article XI, Section 7.

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Section 16.061, Florida Statutes, requires the Attorney General, within 30 days after receipt of the proposed amendment or revision to the State Constitution by initiative petition, to petition this Honorable Court for an advisory opinion regarding compliance of the text of the proposed amendment with Article XI, section 3, Florida Constitution, and compliance of the proposed ballot title and summary with section 101.161, Florida Statutes.

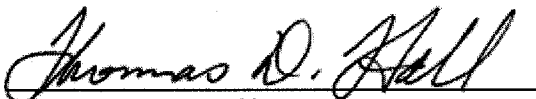
The full text of the Attorney General's letter is attached hereto as an exhibit and made a part thereof.

IT IS, THEREFORE, the order of the Court that interested parties shall serve their briefs on or before June 11, 2001, and serve a copy thereof on the Attorney General. Answer briefs shall be served on or before July 2, 2001. Please file an original and seven copies of all briefs. In addition to paper briefs, per this Court's Administrative Order In Re: Mandatory Submission of Briefs on Computer Diskette dated February 5, 1999, counsel are directed to include a copy of all briefs on a DOS formatted 3-1/2 inch diskette in Word Perfect 5.1 (or higher) format. **PLEASE LABEL ENVELOPE TO AVOID ERASURE.** Briefs submitted on diskette will be placed on the Court's Internet site (<http://www.flcourts.org>).

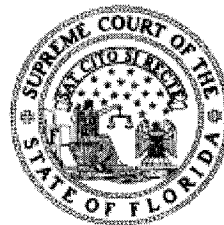
Oral argument is scheduled for 9:00 a.m., MONDAY, OCTOBER 1, 2001. A maximum of twenty (20) minutes to the side is allowed for the argument. All parties who have filed a brief and have asked to be heard may, in the Court's discretion, be permitted to participate in oral argument.

A True Copy

TEST:



Thomas D. Hall  
Clerk, Supreme Court



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Served:

HON. ROBERT A. BUTTERWORTH  
HON. JOHN MCKAY  
DANIEL K. ADKINS  
HON. JEB BUSH, GOVERNOR

HON. KATHERINE HARRIS  
HON. TOM FEENEY  
ZEE GALLIANO