

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: December 6, 2011       Consent       Regular  
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for a countywide referendum to be placed on the ballot on November 6, 2012, for the purpose of determining whether slot machine gaming shall be authorized at licensed pari-mutuel facilities located within Palm Beach County; providing for title; providing for referendum and ballot language; providing for certified copy to Supervisor of Elections; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for severability; and providing for an effective date.

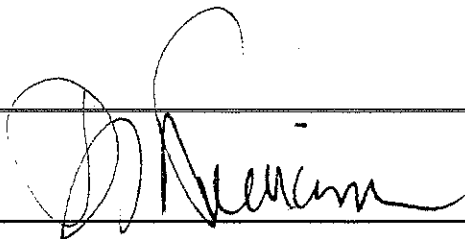
**Summary:** This ordinance would schedule a referendum at the November 6, 2012 General Election to determine whether slot machine gaming shall be authorized at licensed pari-mutuel facilities in Palm Beach County. Countywide (PFK)

**Background and Policy Issues:** Section 551.102(4) Florida Statutes, authorizes slot machine gaming at any licensed pari-mutuel facility in any county in which a majority of voters have approved slot machines in a countywide referendum held pursuant to a statutory or constitutional authorization in the respective county, provided such facility has conducted a full schedule of live racing for two (2) consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of Chapter 551, Florida Statutes. As a charter county, Palm Beach County is authorized by the Florida Constitution and Section 125.01 Florida Statutes, to hold a referendum on slot machine gaming.

Attachments:

- 1. Ordinance

Recommended by: \_\_\_\_\_



11/29/11

Date

Approved by: \_\_\_\_\_

Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	0 <i>*see below</i>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No x

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Reporting Category \_\_\_\_\_

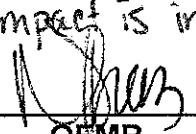

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review: Fiscal impact unknown at this time.**

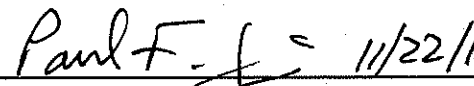
**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

*\* Fiscal impact is indeterminable at this time.*

 _____ OFMB	 _____ Contract Development and Control
--	---

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

ORDINANCE NO. 2011-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR A COUNTYWIDE REFERENDUM TO BE PLACED ON THE BALLOT AT THE GENERAL ELECTION ON NOVEMBER 6, 2012, FOR THE PURPOSE OF DETERMINING WHETHER SLOT MACHINE GAMING SHALL BE AUTHORIZED AT LICENSED PARI-MUTUEL FACILITIES LOCATED WITHIN PALM BEACH COUNTY; PROVIDING FOR TITLE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR CERTIFIED COPY TO SUPERVISOR OF ELECTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 551.102(4) Florida Statutes, authorizes slot machine gaming at any licensed pari-mutuel facility in any county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization in the respective county, provided such facility has conducted a full schedule of live racing for two (2) consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of Chapter 551, Florida Statutes; and

WHEREAS, Palm Beach County is authorized by the Florida Constitution and Sections 125.01 and 551.102(4), Florida Statutes, to hold a referendum on slot machine gaming; and

WHEREAS, the Palm Beach County Board of County Commissioners (the "Board") desires to give the citizens of Palm Beach County (the "County") the opportunity to decide whether slot machine gaming shall be authorized at pari-mutuel facilities in the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

**Section 1. TITLE.**

This Ordinance shall be titled the "Countywide Referendum to Authorize Slot Machine Gaming in Licensed Pari-Mutuel Facilities in Palm Beach County."

**Section 2. REFERENDUM AND BALLOT LANGUAGE.**

A referendum is hereby called and ordered to be held in the County. Such referendum shall be held on November 6, 2012, when a general election is to be held,

1 and in accordance with the requirements of the Constitution and the Laws of Florida, the  
2 following question shall be placed on the ballot by the Supervisor of Elections of the  
3 County, Susan Bucher:

4 **SLOT MACHINES AT LICENSED PARI-MUTUEL FACILITIES**  
5 **LOCATED IN PALM BEACH COUNTY**  
6

7 **Shall slot machines be authorized within licensed pari-mutuel facilities in Palm**  
8 **Beach County subject to the restrictions of state law? (SELECT ONE ONLY)**  
9

10 **YES (TO AUTHORIZE)** \_\_\_\_\_

11 **NO (TO NOT AUTHORIZE)** \_\_\_\_\_  
12  
13

14 All qualified electors residing in the County shall be entitled and permitted to vote  
15 on the referendum. The place for voting in the referendum shall be the same as the  
16 place for voting in general elections held in the County as determined by the Supervisor  
17 of Elections of the County. The polls shall be open at such voting places from 7:00 a.m.  
18 until 7:00 p.m. on the date of the referendum.

19 The Clerk & Comptroller, ex-officio Clerk of the Board (the "Clerk") shall prepare a  
20 notice of the referendum by causing a copy of the form of notice, attached hereto as  
21 Exhibit "A", to be published at least twice, once in the fifth (5th) week and once in the third  
22 (3rd) week prior to the week in which the referendum is held in *The Palm Beach Post*, a  
23 newspaper of general circulation in the County. The first publication of such notice shall  
24 be at least thirty (30) calendar days prior to the date of the referendum. The Clerk shall  
25 secure from the publisher of said newspaper an appropriate affidavit of proof that such  
26 notice has been duly published as herein provided, and said affidavit of proof shall be  
27 filed in the minutes of the Board.

28 The Supervisor of Elections shall hold, administer and conduct the referendum  
29 election in the manner prescribed by law for holding elections in the County. Returns  
30 shall show the number of qualified electors who voted at such referendum election on the  
31 proposition and the number of votes cast respectively for and against approval of the  
32 proposition. The returns shall be canvassed in accordance with the law and the results  
33 shall be recorded in the minutes of the Board in the manner prescribed by law.

34 The form of the ballot to be used in the elections by absentee voters shall be in  
35 substantially the form provided above. The Supervisor of Elections of the County is  
36 authorized to provide a sufficient number of absentee ballots, as required by law, to  
37 provide for voting of absent electors entitled to cast such ballots in said election.

1 **Section 3. CERTIFIED COPY TO SUPERVISOR OF ELECTIONS.**

2 The Clerk shall furnish a certified copy of this adopted Ordinance to the Supervisor  
3 of Elections for the County.

4 **Section 4. SEVERABILITY.**

5 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is  
6 for any reason held by a Court of competent jurisdiction to be unconstitutional,  
7 inoperative, or void, such holding shall not affect the remainder of this Ordinance.

8 **Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

9 The provisions of this Ordinance shall become and be made a part of the Palm  
10 Beach County Code. The sections of this Ordinance may be renumbered or relettered to  
11 accomplish such, and the word ordinance may be changed to section, article, or other  
12 appropriate word.

13 **Section 6. ENFORCEMENT.**

14 This Ordinance is enforceable by all means provided by law.

15 **Section 7. EFFECTIVE DATE:**

16 The provisions of this Ordinance shall become effective upon filing with the  
17 Department of State.

18 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm  
19 Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2011.

20 **SHARON R. BOCK, CLERK**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

21  
22  
23

24 By: \_\_\_\_\_  
25 Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

26  
27  
28  
29

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

30  
31

By: \_\_\_\_\_  
County Attorney

32  
33  
34

35 **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_ day of  
36 \_\_\_\_\_, 20\_\_\_\_.

37  
38  
39

**EXHIBIT "A"**

**NOTICE OF REFERENDUM TO BE HELD IN PALM BEACH COUNTY, FLORIDA  
ON NOVEMBER 6, 2012**

NOTICE IS HEREBY GIVEN THAT A REFERENDUM will be held on the 6th day of November whether to authorize slot machines within licensed pari-mutuel facilities in Palm Beach County. Such referendum has been authorized by Ordinance No. 2011-\_\_\_\_\_ of the Board of County Commissioners of Palm Beach County, Florida.

The places for voting in a referendum shall be the same as the places for voting in the general elections held in Palm Beach County, Florida and the polls will be open at the voting places on the date of said referendum from 7:00 a.m. to 7:00 p.m. on the same day, all as provided in said Ordinance.

All qualified electors residing within Palm Beach County, Florida shall be entitled, qualified and permitted to vote at such referendum.