

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 20, 2011 Consent Regular
 Public Hearing
Department:
Submitted By: COUNTY ATTORNEY
Submitted For: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

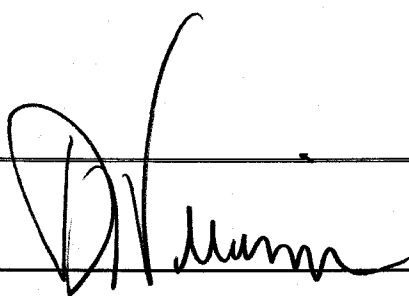
Motion and Title: Staff recommends motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for a countywide referendum to be placed on the ballot on November 6, 2012, for the purpose of determining whether slot machine gaming shall be authorized at licensed 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. 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:  _____
Date: 12/2/11

Approved by: _____
Date

ORDINANCE NO. 2011-_____

1
2
3
4 AN ORDINANCE OF THE BOARD OF COUNTY
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
6 PROVIDING FOR A COUNTYWIDE REFERENDUM TO BE
7 PLACED ON THE BALLOT AT THE GENERAL ELECTION ON
8 NOVEMBER 6, 2012, FOR THE PURPOSE OF DETERMINING
9 WHETHER SLOT MACHINE GAMING SHALL BE
10 AUTHORIZED AT LICENSED PARI-MUTUEL FACILITIES
11 LOCATED WITHIN PALM BEACH COUNTY; PROVIDING FOR
12 TITLE; PROVIDING FOR REFERENDUM AND BALLOT
13 LANGUAGE; PROVIDING FOR CERTIFIED COPY TO
14 SUPERVISOR OF ELECTIONS; PROVIDING FOR INCLUSION
15 IN THE CODE OF LAWS AND ORDINANCES; PROVIDING
16 FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY;
17 AND PROVIDING FOR AN EFFECTIVE DATE.

18 WHEREAS, Section 551.102(4) Florida Statutes, authorizes slot machine
19 gaming at any licensed pari-mutuel facility in any county in which a majority of voters
20 have approved slot machines at such facilities in a countywide referendum held
21 pursuant to a statutory or constitutional authorization in the respective county,
22 provided such facility has conducted a full schedule of live racing for two (2)
23 consecutive calendar years immediately preceding its application for a slot machine
24 license, pays the required license fee, and meets the other requirements of Chapter
25 551, Florida Statutes; and

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

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

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

35 **Section 1. TITLE.**

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

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

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

1 held, and in accordance with the requirements of the Constitution and the Laws of
2 Florida, the following question shall be placed on the ballot by the Supervisor of
3 Elections of the 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
12 **NO (TO NOT AUTHORIZE)** _____

13
14 All qualified electors residing in the County shall be entitled and permitted to
15 vote on the referendum. The place for voting in the referendum shall be the same as
16 the place for voting in general elections held in the County as determined by the
17 Supervisor of Elections of the County. The polls shall be open at such voting places
18 from 7:00 a.m. until 7:00 p.m. on the date of the referendum.

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

35 The form of the ballot to be used in the elections by absentee voters shall be
36 in substantially the form provided above. The Supervisor of Elections of the County is

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

authorized to provide a sufficient number of absentee ballots, as required by law, to provide for voting of absent electors entitled to cast such ballots in said election.

Section 3. CERTIFIED COPY TO SUPERVISOR OF ELECTIONS.

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

Section 4. SEVERABILITY.

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

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

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

Section 6. ENFORCEMENT.

This Ordinance is enforceable by all means provided by law.

Section 7. EFFECTIVE DATE:

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the ____ day of _____, 2011.

SHARON R. BOCK, CLERK

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

By: _____
Deputy Clerk

By: _____
Shelley Vana, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____, 20____.

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.