

IN THE SUPREME COURT OF FLORIDA

ADVISORY OPINION TO THE ATTORNEY  
GENERAL RE: LIMITED AUTHORIZATION  
FOR CASINO GAMING

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CASE NO.: SC22-25

**Comments of Hamilton Downs Horsetrack, LLC**

Hamilton Downs Horsetrack, LLC, a Florida limited liability company, having an address at 1181 Osprey Point, Orange Park, Florida 32073 (“**Hamilton Downs**”) is the holder of a Permit to Conduct Pari-Mutuel Wagering, License Number 547, and is the applicant for a Cardroom License, pending with the Florida Department of Business & Professional Regulation (the “**DBPR**”).

Hamilton Downs submits this comment in opposition to the proposed effective date of the initiative petition assigned the ballot title “Limited Authorization of Casino Gaming” which proposes an amendment to Article X, Section 33 of The Constitution of the State of Florida (the “**Proposed Amendment**”). The Proposed Amendment as drafted applies only to holders of an active cardroom license issued by DBPR as of January 1, 2022. The application of the Proposed Amendment to license holders as of January 1, 2022 is arbitrary, capricious, inequitable, and if passed, would be the adoption of a constitutional amendment that applies ex post facto. Accordingly, Hamilton Downs proposes that the Court hold that the January 1, 2022 references in the Proposed Amendment invalid, and uphold the remaining portions of the Proposed Amendment under the severability provision of the Proposed Amendment.

Section (a)(6) of the Proposed Amendment defines “License Holder” as “a holder of an active cardroom license issued by the Department of Business and Profession Regulation, Division of Pari-Mutuel Wagering, as of January 1, 2022, or any person to whom such license is

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subsequently transferred.” Additionally, Section (a)(7)(i) references an active cardroom license issued by the DBPR as of January 1, 2022. Hamilton Downs contends that the limitation of the application of the Proposed Amendment to active cardroom licensees as of January 1, 2022 is arbitrary, capricious, and inequitable. Hamilton Downs proposes striking the references to January 1, 2022 in Sections (a)(6) and (a)(7)(i) to the Proposed Amendment, such that the Proposed Amendment would apply to all active cardroom licensees as of the effective date of the Proposed Amendment, should the Proposed Amendment be adopted.

Accordingly, Hamilton Downs proposes the following strike through to the text for the definition of the term “License Holder” in lieu of the current text of Section (a)(6) of the Proposed Amendment:

“(a)(6) “License Holder” means a holder of an active cardroom license issued by the Department of Business and Profession Regulation, Division of Pari-Mutuel Wagering, as of January 1, 2022, or any person to whom such license is subsequently transferred.”

And the following strike through to text in lieu of the current text of Section (a)(7)(i) of the Proposed Amendment:

“(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.”

Section (g) of the Proposed Amendment provides that “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.” For the reasons stated, Hamilton Downs respectfully asks that the Proposed Amendment be modified pursuant to the severability provision of the Proposed Amendment to apply to any active cardroom license as of the effective date of the

Proposed Amendment, if adopted. To hold otherwise would be arbitrary, capricious, inequitable, and the adoption of a constitutional amendment ex post facto.

Respectfully submitted,

/s/ Andrew M. Sodl

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was hereby furnished by electronic service this 28<sup>th</sup> day of January 2022 to:

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