

RESOLUTION NO. 2012- 25

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS 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 ST. JOHNS COUNTY; PROVIDING FOR TITLE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; AND PROVIDING FOR CERTIFIED COPY TO SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY.**

**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 lawfully 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**, the St. Johns Greyhound Park, located at 6233 Racetrack Road, St. Johns, Florida 32259, annually conducts a full schedule of live racing pursuant to Sections 550.002(11) and 550.475, Florida Statutes; and

**WHEREAS**, St. Johns County is authorized by the Florida Constitution and Sections 125.01 and 551.102(4), Florida Statutes, to hold a referendum as provided by law; and

**WHEREAS**, the St. Johns County Board of County Commissioners (the "Board") desires to give the citizens of St. Johns County (the "County") the opportunity to decide whether slot machine gaming shall be authorized at licensed pari-mutuel facilities in the County; and

**WHEREAS**, the Board takes no position in favor of or in opposition to the matter to be determined by the eligible voters of St. Johns County but merely deems it appropriate for such voters to be able to make such a determination; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that:**

**Section 1.** The above Recitals are hereby incorporated into the body of this Resolution and are adopted as Findings of Fact.

**Section 2.** 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, and in

accordance with the requirements of the Constitution and the Laws of Florida, the following question shall be placed on the ballot by the Supervisor of Elections of the County:

**SLOT MACHINES AT LICENSED PARI-MUTUEL FACILITIES  
LOCATED IN ST. JOHNS COUNTY**

**Shall slot machines be authorized within licensed pari-mutuel facilities in St. Johns County subject to the restrictions of state law? (SELECT ONE ONLY)**

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

**NO (TO NOT AUTHORIZE) \_\_\_\_\_**

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

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

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

The form of the ballot to be used in the elections by absentee voters shall be in substantially the form provided above. The Supervisor of Elections of the County is 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.** The Clerk shall furnish a certified copy of this adopted Resolution to the Supervisor of Elections for the County.

**Section 4.** To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tenor, tone, or concept of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

**Section 5.** If any section, paragraph, sentence, clause, phrase, or word of this Resolution 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 Resolution.

**PASSED and ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, on this the 19<sup>th</sup> day of January, 2012.

**ATTEST: Cheryl Strickland, Clerk**

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By: Ken Waltherman  
**Deputy Clerk**

By: Mark P. Miner  
**Mark P. Miner, Chairman**

**RENDITION DATE:** 1/23/12



**EXHIBIT "A"**

**NOTICE OF REFERENDUM TO BE HELD IN ST. JOHNS COUNTY, FLORIDA  
ON NOVEMBER 6, 2012**

NOTICE IS HEREBY GIVEN THAT A REFERENDUM will be held on the 6<sup>th</sup> day of November whether to authorize slot machines within licensed pari-mutuel facilities in St. Johns County. Such referendum has been authorized by Resolution No. 2012-\_\_\_\_ of the Board of County Commissioners of St. Johns County, Florida.

The places for voting in a referendum shall be the same as the places for voting in the general elections held in St. Johns 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 Resolution.

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