

Bond Case Briefs

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COUNTIES - FLORIDA

Gretna Racing, LLC v. Florida Department of Business and Professional Regulation

Supreme Court of Florida - May 18, 2017 - So.3d - 2017 WL 2210389

Applicant for permit to conduct slot machine gaming at its pari-mutuel facility appealed denial of its application by Department of Business and Professional Regulation.

On rehearing, the District Court of Appeal upheld denial of permit, and certified question of great public importance.

The Supreme Court of Florida held that general constitutional and statutory power of non-charter counties to carry on county government does not constitute authorization to conduct referendum to approve slot machine gaming.

A referendum conducted by a non-charter county concerning approval of slot machine licenses at pari-mutuel facilities is not inherent in the power to conduct county government and, thus, is not “authorized,” within the meaning of the statute governing issuance of licenses to conduct slot machine gaming, by the general powers conferred on non-charter counties under either the constitutional or statutory home rule powers provided to non-chartered counties.