

IN THE SUPREME COURT OF FLORIDA

WEST FLAGLER ASSOCIATES, LTD.
et al.,

CASE NO. SC23-1333

Petitioners,

vs.

RON D. DeSANTIS, *etc.*, *et al.*,

Respondents.

**NO CASINOS, INC.’S MOTION FOR LEAVE TO FILE
AMICUS BRIEF IN SUPPORT OF PETITIONERS, FOR
EXPEDITED CONSIDERATION OF THIS MOTION, AND
FOR TEN DAYS IN WHICH TO FILE THE AMICUS BRIEF**

(PETITIONERS CONSENT; RESPONDENTS OPPOSE)

This case is an original proceeding in quo warranto, challenging executive and legislative action alleged to be inconsistent with the Florida Constitution, specifically Article X, section 30, limiting the scope of gambling in this State. The Petition was filed September 26, 2023, and pursuant to Fla. R. App. P. 9.370, any *amicus curiae* brief in support of the Petitioners was due to be filed by this date, October 5, 2023, which is ten days from the filing of the Petition. That is not feasible. However, subsection (c) of the rule provides that “[a] court may grant leave for later service, specifying the time within which an

opposing party may respond.” Thus, we seek both leave to file an *amicus* brief in support of Petitioners, and an extension of the ten-day rule, as well as ten days in which to file the brief itself. Given that the Court has ordered Respondents to file a response by November 1, 2023, if consideration of this motion could be expedited, shortening the time for any written response (as we request) and with a decision following soon afterwards, the proposed *amicus* brief would be due with ample time remaining for Respondents to address it, should they wish to do so, in their Response.

Counsel for the parties have been contacted, and Raquel Rodriguez, Esq., counsel for Petitioners, has advised that Petitioners *consent* to this request, with consent limited only to an *amicus brief* advocating the specific arguments as described in the motion. Counsel for Respondents, Christopher Baum, Esq., has advised that Respondents *oppose* this request.

THE MOVANT’S INTEREST

No Casinos, Inc., a Florida nonprofit organization, has a long history in opposing the expansion of gambling in the State of Florida. No Casinos and its predecessor organization have been involved in

gambling policy issues since the 1970s, opposing gambling expansion when proposed by citizen initiative in 1978, 1986, 1994, and 2004 and in the legislative and administrative arenas since 2012. No Casinos authored Article X, Section 30 and launched the citizen initiative effort in support of its ballot placement as Amendment 3, which appeared on the 2018 ballot and campaigned for its successful passage by 71% of Florida voters. No Casinos authored and supported Amendment 3 in order to remove the legislature's authority to authorize certain forms of gambling, and vest that authority exclusively with Florida voters. In this Court, No Casinos, Inc. has repeatedly appeared as *amicus curiae*, providing the perspective of an opponent of expanded gambling within this State.¹

¹ See, e.g., *amicus* briefs submitted in the following cases: *Gretna Racing, LLC v. Fla. Dep't of Bus. & Prof'l Reg.*, 225 So. 3d 759, 760 (Fla. 2017); *In re Advisory Opinion to Atty. Gen. re Authorizes Miami-Dade & Broward Cnty. Voters To Approve Slot Machines In Parimutuel Facilities*, 880 So. 2d 522 (Fla. 2004); *In re Advisory Opinion to Atty. Gen. re Authorization for Cnty. Voters to Approve or Disapprove Slot Machines Within Existing Pari-Mutuel Facilities*, 813 So. 2d 98, 99 (Fla. 2002); *Advisory Opinion to the Atty. Gen.*, 656 So. 2d 466, 467 (Fla. 1995); *Advisory Opinion to Atty. Gen. re Ltd. Casinos*, 644 So. 2d 71, 72 (Fla. 1994).

ISSUE TO BE ADDRESSED

The proposed *amicus curiae* brief will endeavor not to be redundant of the Petition, nor will it expand the core issue to be decided by this Court. What it will do is provide the perspective of a coalition of opponents of expanded gambling within the State of Florida, which Petitioners West Flagler Associates, Ltd. and Bonita Springs cannot do in the same manner, because they are themselves gambling entities, admitted “competitors of the Tribe” who fear economic harm because expanded sports betting will “negatively impact both poker and parimutuel revenues.” (*See* Petition 7).

In contrast, Movant is not trying to protect its own economic interest. Instead, the proposed *amicus curiae* brief will argue that it is both contrary to the Florida Constitution to allow widespread sports betting on cell phones located throughout the State, under the guise that the servers are located on Indian land, and contrary to the public policy and welfare of this State as evidenced by the voters who approved Amendment 3.

HOW THE MOVANT CAN ASSIST THE COURT

A claim that the Governor and the Legislature have acted contrary to the Florida Constitution, in a manner that will effect an unprecedented expansion of gambling in this State, is a weighty matter. No Casinos, Inc., has perhaps the longest history of active participation in related issues, and an establish concern that this State not be overrun with gambling, forever changing the appearance, attitude, and atmosphere of Florida, such that gambling becomes as pervasive as palm trees. Sports betting that would take “Indian gaming” off the reservation and into everyone’s hand-held device cannot be squared with the will of the people who voted for Amendment 3, and No Casinos, Inc., would assist the Court in seeing how those policy concerns undergird and support the legal arguments, as set forth in the Petition.

CONCLUSION

For all the above reasons, we respectfully request that this Court significantly shorten the response date for this Motion, expedite the Court’s consideration of this motion, exercise its discretion under Rule 9.370 to permit an *amicus curiae* brief to be

filed beyond the ten-day limit, and afford No Casinos, Inc. ten days from the date of any order granting this Motion in which to file its amicus brief in support of Petitioners.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed through the Florida Statewide e-filing Portal, which will serve all counsel of record and other counsel named below, by e-mail service, this 5th day of October, 2023.

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