

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC07-2154

FLORIDA HOUSE OF REPRESENTATIVES, and  
MARCO RUBIO, individually and in his capacity  
as Speaker of the Florida House of Representatives,

Petitioners,

vs.

CHARLIE CRIST, in his capacity as Governor  
of Florida,

Respondent.

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**MOTION FOR THE ENTRY OF WRIT OF QUO WARRANTO**

Gulfstream Park Racing Association, Inc. (“Gulfstream”) moves for the entry of the Writ of Quo Warranto in the above styled case, stating:

- 1) The Florida House of Representatives and its speaker filed in this Court a petition for a writ of quo warranto disputing the Governor’s authority to bind the State to a compact with the Seminole Tribe of Florida. The compact significantly expands casino gambling to include banked card games which are illegal in Florida. This Court exercised its jurisdiction to consider the petition and held that the “Governor does not have the constitutional

authority to bind the State to a gaming compact that clearly departs from the State's public policy by legalizing types of gaming that are illegal everywhere else in the state.”

- 2) Gulfstream is a pari-mutuel permitholder that is licensed by the State of Florida, Department of Business and Professional Regulation to run thoroughbred horse races in Broward County. Gulfstream is also licensed to operate slot machines as provided by Section 23, Article X, Constitution of the State of Florida, the provisions of Ch. 551, Fla. Stat. and Florida Administrative Code Rule 61D-14. Gulfstream requested that it be allowed to participate in this proceeding as a party petitioner and was allowed to participate as an amicus curiae.
- 3) The Seminole Tribe of Florida requested that it be permitted to join in the proceeding as a party, which motion was granted. In its motion to participate in the proceeding and its brief, the Seminole Tribe made no qualification of its party status nor did it assert an claim of sovereign immunity from an order by this court of this matter
- 4) In its ruling, this court did not enter the Writ of Quo Warranto, stating that “Because we believe the parties will fully comply with the dictates of this opinion, we grant the petition but withhold issuance of the writ.”

- 5) The parties, however, have not complied with the dictates of the opinion. Even though the Seminole Tribe of Florida was a party to this case and bound by the decision, it continues to operate illegal banked card games at its facility in Broward County to the considerable detriment of Gulfstream. In fact since the ruling by this court, the Seminole Tribe has expanded its operation of illegal card games to its facilities in Immokalee and Tampa. See Attachment A to this Motion.
- 6) This expansion of illegal activity and continued violation of this court's order is having a severe impact on Florida's horse industry. The Florida horse industry produces goods and services valued at \$3 billion. Roughly half of this economic impact is attributed to the Thoroughbred racing industry, the backbone of which is the racetracks. Gulfstream Park employs more than 800 people, with a total annual wage base of \$20,000,000. In terms of direct fees and taxes to government, Gulfstream Park pays more than \$30,000,000 to state and local governments annually. This economic impact, these jobs and the consequential tax revenues are all jeopardized by the continuing illegal activity of the Seminole Tribe.
- 7) Gulfstream has no alternative but to protect its interests and the interests of those whose livelihood is tied to the success of live thoroughbred racing in

Florida. As such it asks this Court to enter the Writ of Quo Warranto and take such action necessary to carrying into complete execution its judgments in this matter upon the parties to this proceeding by virtue of the authority vested in the Court pursuant to section 25.041(1), Florida Statutes (2008).

WHEREFORE, Gulfstream respectfully requests that this Court issue the Writ of Quo Warranto and take such other action it deems necessary for the complete execution of its judgment in the above styled case.

Respectfully submitted,

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CYNTHIA S. TUNNICLIFF  
Florida Bar Number 134939  
MARC W. DUNBAR  
Florida Bar Number 0008397  
BRANDICE D. DICKSON  
Florida Bar Number 300100  
PENNINGTON, MOORE, WILKINSON,  
BELL & DUNBAR, P.A.  
215 South Monroe Street - 2nd Floor (32301)  
Post Office Box 10095  
Tallahassee, Florida 32302-2095  
Telephone: 850/222-3533  
Facsimile: 850/222-2126

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for the Entry of Writ of Quo Warranto of Gulfstream Park Racing Association, Inc., has been furnished, by United States Mail and electronic mail, to PAUL HUCK, ESQUIRE, General Counsel ([paul.huck@myflorida.com](mailto:paul.huck@myflorida.com)), Office of the Governor, PL-05 The Capitol, Tallahassee, Florida 32399-0001; JEREMIAH M. HAWKES, ESQUIRE ([jeremiah.hawkes@myfloridahouse.gov](mailto:jeremiah.hawkes@myfloridahouse.gov)), General Counsel, Florida House of Representatives, 422 The Capitol, Tallahassee, Florida 32399-1300; BARRY S. RICHARD, ESQUIRE ([richardb@gtlaw.com](mailto:richardb@gtlaw.com)), GLENN T. BURHANS, JR., ESQUIRE, ([burhansg@gtlaw.com](mailto:burhansg@gtlaw.com)) of Greenberg Traurig, P.A., 101 East College Avenue, Tallahassee, Florida 32301; and JON MILLS, ESQUIRE ([jonmills@sprynet.com](mailto:jonmills@sprynet.com)), TIMOTHY McLENDON, ESQUIRE ([mclendon@law.ufl.edu](mailto:mclendon@law.ufl.edu)), Post Office Box 2099, Gainesville, Florida 32602; and JOSEPH H. WEBSTER, ESQUIRE ([jwebster@hswdc.com](mailto:jwebster@hswdc.com)), JERRY C. STRAUS, ESQUIRE ([jstraus@hswdc.com](mailto:jstraus@hswdc.com)) and F. MICHAEL WILLIS ([mwillis@hswdc.com](mailto:mwillis@hswdc.com)), ESQUIRE, of Hobbs Straus Dean & Walker LLP, 2120 L Street N.W., Suite 700, Washington, D. C. 20037, CHRISTOPHER M. KISE ([ckise@foley.com](mailto:ckise@foley.com)), JAMES A. McKEE ([jmckee@foley.com](mailto:jmckee@foley.com)), Foley & Lardner LLP, 106 East College Avenue, Tallahassee, FL 32301, DAVID JOVE ([djab79@aol.com](mailto:djab79@aol.com)), ANDRE McKENNEY ([amckenney@hallandalebeach.fl.gov](mailto:amckenney@hallandalebeach.fl.gov)) City Attorney's Office, 400 S. Federal Highway, Hallandale Beach, FL 33009, GERALD B. CURINGTON ([jerry.curington@myflorida.com](mailto:jerry.curington@myflorida.com)) ERIK M. FIGLIO ([rick.figlio@myflorida.com](mailto:rick.figlio@myflorida.com)), Executive Office of the Governor, The Capitol, PL-02, Room 209, Tallahassee, FL 32399, JASON VAIL ([vail.j@flsenate.gov](mailto:vail.j@flsenate.gov)), Special Counsel, Florida Senate, R. 304 Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32399-1100 this \_\_\_\_ day of December 2008.

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Marc W. Dunbar

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