

Item # 41

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: VIDEO/SLOT MACHINES AND SIMILAR EQUIPMENT

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: April Boswell *AB* EXT. 7339

Agenda Date 03/23/04 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

Approve the ordinance amending the County Code of Seminole County to prohibit slot machines.

District- Countywide

April Boswell, Senior Planner

**BACKGROUND:**

At its meeting of December 9, 2003, the Board of County Commissioners adopted a resolution extending the duration of the moratorium imposed by Ordinance Number 2003-51 to April 9, 2004 to allow staff additional time to adequately complete research, prepare applicable regulations, and schedule the appropriate hearings in regard to slot machines.

Staff has completed research and determined that the machines in question should be prohibited rather than regulated. As such, an ordinance has been drafted that prohibits commercial use of slot machines within unincorporated and incorporated Seminole County, unless the incorporated municipality has conflicting regulations. The attached ordinance has been advertised as required by law.

**STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance.

District Countywide

Attachments: Slot Machine Prohibition Ordinance

Reviewed by: \_\_\_\_\_  
Co Atty: KRC  
DFS: \_\_\_\_\_  
Other: MW  
DCM: SS  
CM: AB  
File No. PH130PDP03

**AN ORDINANCE AMENDING THE COUNTY CODE OF SEMINOLE COUNTY; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROHIBITING SLOT MACHINES; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 23, 2003 the Seminole County Board of County Commissioners (the "Board") enacted an emergency moratorium upon the approval of any business involving slot machines and similar gambling equipment, in order to allow County staff time to research such businesses for the purpose of determining their legality and whether regulation of such businesses is necessary; and

**WHEREAS**, on October 14, 2003, the Board enacted a non-emergency moratorium for the same purpose; and

**WHEREAS**, on December 9, 2003, the Board passed a resolution extending the duration of this moratorium to April 9, 2004; and

**WHEREAS**, during the period of this moratorium, County staff have studied electronic gambling devices, particularly slot machines; have reviewed the treatment of such devices by other local government jurisdictions both within and outside of the State of Florida; have examined Florida laws regarding gambling and gaming devices; and have consulted with the Seminole County Sheriff's Office regarding such gaming devices; and

**WHEREAS,** County staff have made a report and recommendations to the Board regarding slot machines and similar gaming devices; and

**WHEREAS,** the Board has reviewed the sworn report of D. Robert Sertell dated October 25, 2003, an expert in the field of gambling devices, which explains the role of chance in the play of slot machines; and

**WHEREAS,** the Board has reviewed the National Gambling Impact Study Report regarding the benefits and harms of gambling; and

**WHEREAS,** the Board has reviewed evidence regarding the adverse effects of gambling presented by the Florida Council on Compulsive Gambling, Inc., a statewide nonprofit organization employed by the State of Florida to provide public education and advocacy on gambling issues; and

**WHEREAS,** the State of Florida has declared the ownership, possession, sale, lease or operation of slot machines to be unlawful; and

**WHEREAS,** the State of Florida has also declared it to be illegal to make any agreement regarding the use of any slot machine for the receipt of money, tokens, credit, any thing of value; and

**WHEREAS**, the State of Florida has defined slot machine to mean any machine or device which, through the insertion of any money, coin or other object, may be operated by a user and cause, by reason of any element of chance, that user to receive or be entitled to receive any money, thing of value or credit which may be exchanged for any thing of value; and

**WHEREAS**, the Seminole County Board of County Commissioners is aware of the recent attempts by persons in other Florida counties and cities to open and operate businesses where slot machines are utilized and made available to the public; and

**WHEREAS**, the Board has determined that such businesses are not only illegal, but will likely result in adverse effects to Seminole County citizens including gambling addictions, crime and financial loss; and

**WHEREAS**, the Board deems the prohibition of slot machines and similar gaming devices to be in the best interests of the health, safety, morals and welfare of the citizens of Seminole County; and

**WHEREAS**, an Economic Impact Statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. Legislative Findings.** The above recitals represent the legislative findings of the Board supporting the need for this Ordinance.

**Section 2. Amendment to Title of Chapter 222, Seminole County Code.** The title of Chapter 222, Seminole County Code is hereby amended to read "Gaming\*" instead of "~~Racetrack\*.~~"

**Section 3. Creation of Part I, Chapter 222.** Chapter 222, Part I, Seminole County Code is hereby created to read as follows:

**Part I. Prohibition of Slot Machines.**

**Sec. 222.1. Definitions.**

*Slot machine:* Any electrical, mechanical or electromechanical device which is adapted for use such that by the insertion of coin(s), token(s) or other method of payment the device will allow an operator to play or operate the machine such that the device displays pictures, icons or other images which may, depending upon the displayed combination of said pictures, icons or other images, allow the operator to obtain an item or items of value, including but not limited to money, objects or coupons. Such devices shall be deemed slot machines regardless of whether the operation of the device is affected by chance, by the application of skill or by any combination thereof. Examples of slot machines include, but

are not limited to, the games known as, "Fruit Paradise," "New Cherry," "Fruit Bonus," "Triple Jack," "Magical Odds," "Mystery J&B," "Klondike," and "Reel of Fortune." Games such as pinball, mechanical grab machines, shooting games and other similar games are not slot machines.

**Sec. 222.2. Prohibition of Slot Machines.** It is unlawful for any person to play, operate, use, or enter into any agreement for use of, any slot machine as defined in this Code.

**Sec. 222.3. Exceptions.** Nothing herein shall be construed to prohibit the use or play of legitimate amusement games, such as pinball, skeeball, mechanical grab machines and shooting games.

**Sec. 222.4. Remedies and Penalties.**

(a) In addition to potential criminal prosecution, any person found to be in violation of this Part shall be subject to the fine provisions of Chapter 53 of this Code. Violation of this Part shall constitute a Class IV code violation. Each slot machine, or use thereof, shall constitute an individual offense for the purpose of Chapter 53.

(b) Additionally, Seminole County may abate the violation in accordance with the procedures set forth in Chapter 168 of this Code.

**Sec. 222.5. Conflict with State law.** Nothing set forth herein is intended to contravene the State gambling regulations set forth in Chapter 849, Florida Statutes. In the event of a conflict between this Chapter and Chapter 849, the provisions of Chapter 849 shall govern.

**Sec. 222.6. Applicability.** The provisions of this Part shall be applied and enforced within all unincorporated areas of Seminole County as well as within all incorporated areas of Seminole County to the extent that there are no conflicting municipal regulations. In the event a municipal regulation conflicts with this Part then the municipal regulation shall prevail within the jurisdiction of that municipality.

**Section 4. Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this Ordinance and the balance of this Ordinance shall not be affected thereby.

**Section 5. Codification.** It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Seminole County Code and that the word "ordinance" may be changed to "section", "article", or other appropriate word and the sections of this

ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 4, 5 and 6 shall not be codified.

**Section 6. Effective Date.** This Ordinance shall become effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

**ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida.

By: \_\_\_\_\_  
DARYL G. MCLAIN, Chairman

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# Seminole County ECONOMIC IMPACT STATEMENT

<b>Date:</b>	03/12/04	<b>Dept/Div:</b>	P&D/Planning Division
<b>Contact:</b>	April Boswell	<b>Phone Ext:</b>	407-665-7339
<b>Action:</b>	Ordinance amending the County Code on 03/23/04		
<b>Topic:</b>	Prohibition of Slot Machines		

## **Describe Project/Proposal**

The County is proposing to amend the County Code of Seminole County by adopting an ordinance to clarify that commercial use of slot machines, as defined in the ordinance, are prohibited within unincorporated and incorporated Seminole County, unless the incorporated municipality has conflicting regulations.

## **Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County**

There is no direct economic impact upon the County as a result of this amendment. There are no permitting or review requirements, no additional equipment or additional staff necessary to implement this ordinance. There should be no additional expenses to the County to implement this ordinance.

## **Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected**

There is no direct economic impact as a result of this amendment to the property owners/tax payers/citizens of this county as there are no development regulations regarding such a use requiring change due to the enactment of this ordinance. No fees are required or additional revenue necessary to implement this ordinance. Staff is not aware of any commercial businesses within unincorporated Seminole County utilizing the machines defined within the ordinance.

## **Identify any Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance**

There are no indirect economic impacts as a result of the adoption of this ordinance, except that negative impacts associated with gambling and machines of this nature will be curtailed.

## **Citation**

Seminole County Home Rule Charter