

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE REGULATING THE USE OF SPINNING REEL TYPE VIDEO MACHINES OR SIMILAR TECHNOLOGY TO DISPLAY THE RESULTS OF A SWEEPSTAKES, RAFFLE, CONTEST OR OTHER PROMOTIONS; MAKING FINDINGS; PROVIDING FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF FOR THE VIOLATION OF SAME; ESTABLISHING EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, pursuant to Florida law, gambling on a slot machine is authorized only in certain eligible licensed facilities in Broward and Miami-Dade Counties; and

**WHEREAS**, pursuant to Florida law, games of chance including sweepstakes and other game promotions are authorized if held in connection with the sale of a legitimate consumer product or service; and

**WHEREAS** there is presently in North Florida an increasing proliferation of commercial establishments that utilize spinning reel type video machines or similar technology to display the results of sweepstakes, raffles, contests or other promotions by simulating a game or games ordinarily played on a slot machine; and

**WHEREAS**, the unregulated use of spinning reel type video machines or similar technology to display the results of sweepstakes, raffles, contests or other promotions by simulating a game or games ordinarily played on a slot machine have the potential to be adverse to the quality of life, tone of commerce, and total community environment in Leon County, and can potentially have an unreasonable adverse effect upon the citizens of Leon County; and

**WHEREAS**, in order to ensure the uniform enforcement of existing laws, to protect legitimate business interests, preserve the public peace and good order, and to safeguard the health, safety and welfare of the community and citizens thereof, it is necessary and advisable to regulate the use of spinning reel type video machines or

similar technology to display the results of sweepstakes, raffles, contests or other promotions by simulating a game or games ordinarily played on a slot machine;

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA AS FOLLOWS:**

**Section 1. Legislative Findings.**

The County Commissioners of Leon County, Florida (County Commission) hereby finds as follows:

(a) The County Commission, desiring to protect the rights of both individuals and businesses in the county, and at the same time affording opportunity for the fullest development of each business and each individual and promoting the health, safety and welfare of the people, finds that the County has a compelling interest in protecting its citizens from certain activities and influences which can result in harm.

(b) The County Commission recognizes that the State of Florida has authorized slot machine gaming at licensed facilities. The County Commission further recognizes that the State of Florida has authorized the existence of sweepstakes and other promotions held in connection with the sale of a legitimate consumer product or service pursuant to Chapter 849.094, Florida Statutes. The County Commission also recognizes that business establishments that utilize spinning reel type video machines or similar technology to display the results of sweepstakes, raffles, contests or other promotions by simulating a game or games ordinarily played on a slot machine can adversely affect members of the public.

(c) The County Commission further recognizes that it has an obligation and responsibility to regulate the legitimate use of spinning reel type video machines or similar technology that display the results of sweepstakes, raffles, contests or other promotions.

(d) There is presently in North Florida an increasing trend toward establishments that use spinning reel type video machines or similar technology to display the results of sweepstakes, raffles, contests or other promotions by simulating a game or games ordinarily played on a slot machine.

(e) Establishments that utilize spinning reel type video machines or similar technology to display the results of sweepstakes, raffles, contests or other promotions by simulating a game or games ordinarily played on a slot machine may have an unreasonable adverse effect upon certain citizens.

(f) In order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, to safeguard the health, safety, morals and welfare of the community and citizens thereof, and to protect the interests of businesses, it is necessary and advisable to regulate the use of spinning reel type video machines or similar technology to display the results of sweepstakes, raffles, contests or other promotions by simulating a game or games ordinarily played on a slot machine, unless otherwise exempted by law or ordinance.

## **Section 2. Creation of Leon County Video Machine Ordinance**

A new Chapter consisting of Sections \_\_\_\_ through \_\_\_\_\_ inclusive, is created and added to the Code of Ordinance of Leon County, Florida, and shall read as follows:

### **CHAPTER \_\_\_\_ VIDEO MACHINES.**

#### **Section \_\_\_\_\_ Short Title.**

This article shall be referred to as the "Leon County Video Machine Ordinance."

#### **Section \_\_\_\_\_ Legislative Authorization.**

This Ordinance is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of Leon County,

Florida, pursuant to Fla. Const. Article VIII, § 1(g) and § 125.01, Florida Statutes (2008).

**Section \_\_\_\_ Intent.**

The intent of the County Commission in adopting this Ordinance is to regulate the commercial use of spinning reel type video machines or similar technology to display the results of a sweepstakes, raffle, contest or other promotion by simulating a game or games ordinarily played on a slot machine in the Leon County, Florida.

**Section \_\_\_\_ Definitions.**

- (a) "Video machine" means any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot-machine type games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system, is available to play or operate, the play or operation of which, including any element of chance, may reveal, deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. Video machines may use spinning reels, video displays, cathode ray tubes, microprocessors or other similar technology, and have as their object, the presentation or lining up, arrangement, or juxtaposition of symbols, alpha-numeric signs, colors, or figures to reveal a result or outcome.
- (b) "Video machine game" means an electronically simulated game involving an element of chance played or revealed on a video machine.

(c) "Person" means an individual, association, partnership, joint venture, corporation, or a director, executive or officer of an association, partnership, joint venture, or corporation.

**Section \_\_\_\_ Regulation.**

- (a) It shall be unlawful in Leon County to use in any commercial establishment, spinning reel type video machines or similar technology to display the results of a sweepstakes, raffle, contest or other promotion by simulating a game or games ordinarily played on a slot machine unless:
- a. The commercial establishment is selling a legitimate consumer product or service at a competitive rate and is operating the sweepstakes, raffle, contest or other promotion to promote the sale of the product; and
  - b. The commercial establishment has registered the game promotion, regardless of the aggregate prize pool, with the State of Florida and is complying with all of the requirements of Section 849.094, Florida Statutes; and
  - c. The video machines used in the commercial establishment have been confirmed to be non-slot machines, as defined by Florida law, by an independent lab approved by the State of Florida or Leon County; and
  - d. The commercial establishment has registered each video machine with the county and has paid a \$250 registration fee per video machine per year.

**Section \_\_\_\_ Additional Exemptions.**

The use of slot machine-like spinning reels, video displays or similar technology by a slot machine licensee of the State of Florida, or in the operation of a state lottery, or pursuant to the provisions of a lawful gaming compact between the

State of Florida and federally recognized Indian tribes, whether to display the results of a raffle, sweepstakes, contest or other promotion, or otherwise, shall not be prohibited by this Chapter.

**Section \_\_\_\_ Civil Penalties and Injunctive Relief.**

(a) Civil Penalties. Any person or commercial establishment who knowingly violates this Chapter shall be subject to a civil penalty of not more than \$500 for each violation of this Chapter. Each day a violation occurs shall be considered a separate violation.

(b) Injunctive relief. The County Attorney or special counsel is authorized to pursue temporary or permanent injunctive relief in courts of competent jurisdiction to cure, remove or end any activity that violates this Chapter.

**Section \_\_\_\_ Severability.**

If any portion of this ordinance is determined to be invalid for any reason by a final non-appealable order of any court of competent jurisdiction, then it shall be severed from this act. All other provisions of this act shall remain in full force and effect.

**Section \_\_\_\_ Effective Date.**

This ordinance shall become effective immediately upon its filing with the Secretary of the State of the State of Florida.

**PASSES AND ADOPTED**, by a quorum present and voting, by the Board of County Commission of Leon County, Florida, in regular session, this \_\_\_\_ day of \_\_\_\_\_ 2011.

By : \_\_\_\_\_  
CHAIRMAN