

1 Introduced by Council Member Dennis:

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3
4 **ORDINANCE 2022-464-W**

5 AN ORDINANCE AMENDING CHAPTER 155 (ADULT ARCADE
6 AMUSEMENT CENTER), *ORDINANCE CODE*, TO REVISE
7 DEFINITIONS, PROVIDE OPERATION REQUIREMENTS, DELETE
8 COMPONENTS OF SKILLS, PROHIBIT MINORS, PROVIDE
9 PERMIT REQUIREMENTS, ESTABLISH MACHINE REGISTRATION
10 REQUIREMENTS, PROVIDE RECORD KEEPING REQUIREMENTS,
11 PROVIDE SIGNAGE REQUIREMENTS, ESTABLISH ENFORCEMENT
12 PROVISIONS, PROVIDE REGISTRATION FEES, INCLUDE
13 PENALTIES, AUTHORIZE RIGHT OF ENTRY; AMENDING
14 CHAPTER 156 (GAME PROMOTIONS OR SWEEPSTAKES
15 UTILIZING ELECTRONIC EQUIPMENT), *ORDINANCE CODE*, TO
16 PROVIDE GENERAL PROHIBITION, AMEND DEFINITIONS,
17 PROVIDE PERMITTING AND FEE REQUIREMENTS, PROVIDE
18 INSPECTION AND RIGHT ENTRY, IMPOSE SIGNAGE
19 REQUIREMENTS, PROVIDE OPERATION LIMITATIONS,
20 PROVIDING GROUNDS FOR VIOLATIONS AND CONSEQUENCES;
21 REPEALING AND RESERVING SECTION 656.726
22 (NONCONFORMING GAME PROMOTIONS OR SWEEPSTAKES
23 UTILIZING ELECTRONIC EQUIPMENT AND NONCONFORMING
24 DRAWINGS BY CHANCE CONDUCTED IN CONNECTION WITH THE
25 SALE OF A CONSUMER PRODUCT OR SERVICE UTILIZING
26 ELECTRONIC EQUIPMENT), CHAPTER 656 (ZONING CODE),
27 *ORDINANCE CODE*, IN ITS ENTIRETY; REPEALING AND
28 RESERVING PART 13 (PROHIBITION OF SIMULATED GAMBLING
29 DEVICES), CHAPTER 250 (MISCELLANEOUS BUSINESS
30 REGULATIONS), *ORDINANCE CODE*; AMENDING SECTIONS
31 656.133 (WAIVERS FOR MINIMUM DISTANCE REQUIREMENTS

1 FOR LIQUOR LICENSE LOCATIONS; MINIMUM STREET
2 FRONTAGE REQUIREMENTS; SIGNS; MINIMUM DISTANCE
3 REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSING
4 FACILITIES; DOWNTOWN PROPERTIES) AND 656.313
5 (COMMUNITY/GENERAL COMMERCIAL CATEGORY), CHAPTER 656
6 (ZONING CODE), *ORDINANCE CODE*; AMENDING SECTION
7 656.1601 (DEFINITIONS), CHAPTER 656 (ZONING CODE),
8 *ORDINANCE CODE*, TO ADD DEFINITIONS; CREATING A NEW
9 PART 17 (ADULT ARCADE AMUSEMENT CENTER), CHAPTER 656
10 (ZONING CODE), *ORDINANCE CODE*; PROVIDING FOR
11 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

12
13 **WHEREAS**, sections 212.02(24) and 546.10, Florida Statutes, define
14 coin operated and amusement games as games that operate purely for
15 amusement as well as games that require the use of skill but do not
16 display games typically played in casinos, such as slot machines, card
17 games, or dice games; and

18 **WHEREAS**, section 551.102(9), Florida Statutes, regulates slot
19 machines within the State of Florida; and

20 **WHEREAS**, Chapter 849, Florida Statutes governs gambling activities
21 and exemptions in the State of Florida; and

22 **WHEREAS**, sections 849.0935, and 849.094, Florida Statutes, provide
23 statutory exceptions to gambling for drawings and game promotions; and

24 **WHEREAS**, in order to avoid such activity transitioning to and
25 becoming illegal gambling, local regulation, of activity not governed or
26 prohibited by state statute, must occur; and

27 **WHEREAS**, facilities that are not permitted, inspected and regulated
28 can impact the public through deceptive practices with pirated games,
29 manipulated servers, and other associated criminal activity; and

30 **WHEREAS**, regulation of adult arcade amusement games provides
31 additional measures that the public health, welfare, and safety of the

1 community; and

2 **WHEREAS**, regulatory fees and permitting will better fund enforcement
3 efforts and ensure compliance with the law; and

4 **WHEREAS**, the City recognizes that there is a distinction between the
5 minor operators of game promotions, sweepstakes and drawings by chance
6 conducted in connection with the sale of a consumer product or service
7 and major operators conducting frequent game promotions, sweepstakes and
8 drawings by chance in connection with the sale of a consumer product or
9 service utilizing electronic systems designed for entertainment games and
10 disclosures of game/sweepstakes awards; and

11 **WHEREAS**, the City has evaluated and estimated the costs of permitting
12 and enforcement, and has determined that the permitting fees and revenues
13 will not exceed such costs; and

14 **WHEREAS**, the increased participation in drawings by chance and game
15 promotions or sweepstakes utilizing electronic equipment has the
16 potential to mislead and confuse unwary citizens if not regulated, and
17 therefore increases the need for regulation; and

18 **WHEREAS**, an ordinance to regulate the use of electronic equipment
19 in the conduct of drawings by chance and game promotions or sweepstakes
20 associated with adult arcade amusement games or machines and with other
21 amusement machines will protect the public welfare; and

22 **WHEREAS**, increased participation by citizens and patrons in drawings
23 by chance and game promotions or sweepstakes utilizing electronic
24 technology increases the need for security presence on the premises
25 offering the activity, so as to prevent and deter crimes; and

26 **WHEREAS**, pursuant to the Municipal Home Rule Powers Act, Florida
27 Statute section 166.011 et seq., and the Charter of the City of
28 Jacksonville, the City Council may regulate this activity for the health,
29 safety, and welfare of the community; and

30 **WHEREAS**, a likelihood of confusion exists between businesses using
31 electronic equipment to conduct drawings by chance and game promotions or

1 sweepstakes, and businesses that may use electronic equipment to conduct
2 gambling, as both legitimate and illegal operations use chance to award
3 prizes and often display images associated with traditional slot machines,
4 and fraud and misrepresentation may occur at these businesses because of
5 this confusion unless properly regulated; and

6 **WHEREAS**, some operations display images of gambling or slot machines
7 in their advertisements and signage suggesting the presence of illegal
8 activity; and those activities should be controlled and regulated; now
9 therefore,

10 **BE IT ORDAINED** by the Council of the City of Jacksonville:

11 **Section 1. Incorporation of Recitals.**

12 The foregoing "WHEREAS" clauses are hereby ratified and confirmed
13 as being true and correct and are hereby made a specific part of this
14 Ordinance upon adoption thereof.

15 **Section 2. Legislative Findings.**

16 The City Council finds as follows:

17 (a) Desiring to protect individual rights, while at the same time
18 affording opportunity for the fullest development of the individual, and
19 promoting the health, safety, education, and welfare of the people, the
20 City of Jacksonville has a compelling interest in protecting its citizens
21 from certain activities and influences which can result in irreparable
22 harm if left unregulated. The Council is also charged with the
23 responsibility of protecting and assisting its citizens who suffer from
24 compulsive or problem gambling behavior.

25 (b) The Council has a legitimate interest in protecting its
26 citizens from unethical business practices, ensuring operators of
27 regulated establishments are of good moral character, providing safe
28 locations for people to congregate, and protecting the quality and well-
29 being of its neighborhoods.

30 (c) It necessary and in the public interest to ensure that
31 businesses portray themselves in a manner not likely to mislead the

1 public.

2 (d) The imposition of a regulatory scheme for activities conducted
3 pursuant to sections 849.0935, and 849.094, Florida Statutes, bears a
4 rational relationship to its interests.

5 (e) Adult arcade amusement machines should be confined to
6 facilities that meet strict standards.

7 (f) The Council is authorized to license and regulate the operation
8 of adult arcade amusement centers for the enjoyment, entertainment and
9 protection of the public.

10 (g) No adult arcade amusement machine should be allowed unless it
11 is located upon the premises of a licensed adult arcade amusement center
12 in accordance with the operational requirements set forth in this
13 Ordinance.

14 (h) That the State of Florida has authorized slot machines and
15 other gaming at licensed facilities, and the State of Florida authorizes
16 drawings by chance and game promotions or sweepstakes. The Council
17 further recognizes that establishments that utilize electronic equipment
18 to display the results of drawings by chance and game promotions or
19 sweepstakes by simulating a game or games ordinarily played on a slot
20 machine or other casino-type of machine can deceive members of the public
21 into believing that they are engaging in a licensed gambling activity if
22 left unregulated.

23 (i) That the Council has an obligation and responsibility to
24 protect its citizens from the use of deceptive practices.

25 (j) In order to ensure the uniform enforcement of existing laws,
26 to preserve the public peace and good order, and to safeguard the health,
27 safety, morals and welfare of the community and citizens thereof, it is
28 necessary and advisable to provide greater regulation of the use of
29 electronic equipment to display the results of drawings by chance and
30 game promotions.

31 **Section 3. Amending Title VI (Business, Trades and Occupations),**

1 Chapter 155 (Adult Arcade Amusement Center), Ordinance Code. Title VI
2 (Businesses, Trades and Occupations), Chapter 155 (Adult Arcade Amusement
3 Center), Ordinance Code, is hereby amended as follows:

4 Title VI. BUSINESSES, TRADES AND OCCUPATIONS

5 Chapter 155.

6 ADULT ARCADE AMUSEMENT CENTER

7 * * *

8 Sec. 155.104 Definitions.

9 (a) ~~Adult arcade amusement center~~ Adult Arcade Amusement Center
10 means a business (1) that operates Adult Arcade Amusement Machines, ~~is~~
11 ~~located on the "premises" of a facility that is licensed by the State of~~
12 ~~Florida pursuant to Ch. 550, Florida Statutes, and~~ (2) that is a minimum
13 of 6,000 square feet of conditioned space ~~operates adult arcade amusement~~
14 ~~machines~~ and (3) that is licensed under this Chapter.

15 (b) ~~Adult arcade amusement machine~~ Adult Arcade Amusement Machine
16 or *machine* means an electronic, mechanical, coin, currency, ticket, token,
17 card or other similarly operated, computer, video or other similar
18 machine, or device ~~or game~~ which operates on the insertion of money, coin,
19 card, code, or other type of monetary consideration or requires the
20 payment of monetary consideration for its operation and which, whether by
21 application of skill or application of the element of chance or both or
22 by any other outcome unpredictable to him or her, permits, allows or
23 entitles the player or person controlling the machine to participate or
24 play an Adult Amusement Game. ~~may become entitled to receive any money,~~
25 ~~credit, allowance, or thing of value or additional chance or right to use~~
26 ~~such machine or device, or to receive any check, slug, token or memorandum~~
27 ~~entitling the holder to receive any credit, allowance or thing of value.~~
28 The presence of a device as described above that requires the payment of
29 monetary consideration for its operation shall result in the presumption
30 that such machine is an ~~adult arcade amusement machine~~ Adult Arcade
31 Amusement Machine as defined herein. This definition shall not include

1 Electronic Equipment as defined in sec. 156.105(d).

2 (c) Adult Amusement ~~game~~ Game or Adult ~~game~~ Game shall mean any
3 individual measure of play as indicated by an ~~adult arcade amusement~~
4 ~~machine~~ Adult Arcade Amusement Machine and may or may not include games
5 which display casino style games including, but not limited to, slot
6 machine type reels, card games, bingo pull-tab, or dice games. Players
7 may win additional plays of the game without ~~Multiple games may be played~~
8 ~~by a single activation of the machine with the machine rendering the~~
9 ~~results of the games played without the decrementing of additional points~~
10 or the payment of additional consideration.

11 (d) Application of skill shall mean the ability of the player,
12 through the application of any of the skill factors listed in this
13 Chapter, to alter the results of an Adult ~~payout percentage of an~~
14 ~~amusement game~~ Amusement Game by not less than 25% over a completely
15 random outcome determined as provided in this Chapter.

16 (e) Coupon means a printed instrument that is a representation of
17 points available for merchandise redemption. A coupon may not be redeemed
18 for anything other than merchandise, as defined herein.

19 (f) De minimis Activity Facility means a facility operated by an
20 organization exempt from federal taxation under Section 501(c) of the
21 Internal Revenue Code with five (5) ~~ten (10)~~ or fewer Adult Arcade
22 Amusement Machines at that facility, all of which were in operation on or
23 before July January 1, 20102022.

24 (g) Family Amusement Arcade means a business which, in addition to
25 a food and beverage business for which it possesses state and local
26 licenses, also operates an integrated arcade business that complies with
27 F.S. §§ 212.02(24) and 546.10 ~~849.161(1)(a)1.~~, catering primarily to
28 families and minors and does not offer Adult Arcade Amusement Machines to
29 customers.

30 (h) Merchandise means an object of value available for sale to the
31 general public on the premises of the adult arcade amusement center or

1 via catalogs or kiosks ~~produced by~~ located at an adult arcade amusement
2 center other than alcoholic beverages and cash. The general public must
3 be able to discern:

4 (1) the points required to redeem the merchandise; and

5 (2) the purchase price of the merchandise.

6 ~~(i) Payout percentage means the theoretical portion of played~~
7 ~~points retained by a machine over a period of time as determined by a~~
8 ~~licensed testing laboratory.~~

9 (i) Operator means any Person in whose name serves as an Adult Arcade
10 Amusement Center that requires a permit under this chapter.

11 ~~(j) Points means a unit of entitlement for play of an adult arcade~~
12 ~~amusement machine created by either:~~

13 ~~(1) the conversion of coins, bills, tickets, or vouchers when~~
14 ~~inserted into an adult arcade amusement machine; or~~

15 ~~(2) the results of a played game.~~

16 (j) Payoff means cash, monetary or other credit, billets, tickets,
17 tokens, or electronic credits to be exchanged for cash or to receive
18 merchandise or anything of value whatsoever, whether made automatically
19 from the machine or manually.

20 ~~(k) Premises means the legal description of the land and of the~~
21 ~~pari-mutuel facility as licensed according to F.S. Ch. 550.~~

22 (k) Payout percentage means the theoretical portion of played points
23 retained by a machine over a period of time as determined by a licensed
24 testing laboratory.

25 ~~(l) Promotional points means points that are provided free of charge~~
26 ~~by the adult amusement arcade center to patrons.~~

27 (l) Premises means the legal description of the land, and location,
28 and 6,000 square foot facility provided in the application. of the pari-
29 mutuel facility as licensed according to Ch. 550, Florida Statutes.

30 (m) Promotional points means points that are provided free of charge
31 by the adult amusement arcade center to patrons.

1 **Sec. 155.105 Skill-based Adult Arcade Amusement Machine Operation**

2 **Requirements.**

3 Except as provided in Section 155.106 below, in order for an ~~adult~~
4 ~~arcade amusement machine~~ Adult Arcade Amusement Machine ~~authorized by~~
5 ~~Florida law pursuant to section 849.161(1)(a)1., Florida Statutes,~~ to
6 lawfully exist and operate within the geographical boundaries of Duval
7 County, each such machine must meet the following requirements:

8 (a) Be located on the ~~premises~~ Premises, as defined in this Chapter,
9 of an ~~adult arcade amusement center~~ Adult Arcade Amusement Center licensed
10 by the City pursuant to this Chapter;

11 (b) Operate by means of the insertion of a coin, token, card,
12 ticket, currency, or other electronic or mechanical contrivance
13 constituting the payment of monetary consideration; and

14 (c) Incorporate into the game the application of skill required as
15 defined by this Chapter.; ~~and~~

16 ~~(d) Award only coupons or points to the player.~~

17 ~~Adult arcade machines may also operate via the insertion of a token,~~
18 ~~card, ticket, currency, or other electronic or mechanical contrivance~~
19 ~~constituting the payment of monetary consideration provided it also~~
20 ~~operates by means of the insertion of a coin. Any coupons generated by a~~
21 ~~skill-based machine authorized under this section may only be redeemable~~
22 ~~for merchandise.~~

23 **Sec. 155.106 Exemption.**

24 Nothing in this Chapter shall be interpreted to apply to either a
25 Family Amusement Arcade or a De minimis Activity Facility, as defined in
26 this Chapter.

27 ~~**Sec. 155.107 Measure and Testing Application of Skill.**~~

28 ~~The application of skill factor required under sections 155.104(d)~~
29 ~~and 155.105 of this Chapter shall be measured and certified by an~~
30 ~~independent testing laboratory licensed by the State of Florida pursuant~~
31 ~~to Chapter 551, Florida Statutes. In measuring a player's ability to~~

1 ~~alter the percentage through the application of skill for the purposes of~~
2 ~~this Chapter, the independent testing laboratory shall apply the following~~
3 ~~procedures:~~

4 ~~(a) Measure the payout percentage of the subject game based on a~~
5 ~~completely random outcome and without any application by the player of~~
6 ~~any skill factors that the independent testing laboratory will apply in~~
7 ~~making the measurement under subsection (b) below.~~

8 ~~(b) Measure the payout percentage of the subject game through the~~
9 ~~exercise by the player of all skill factors available to optimize the~~
10 ~~payout percentage to the player, including but not limited to all~~
11 ~~applicable skill factors such as complete knowledge of the game, adherence~~
12 ~~to all probability based strategies, optimum manual dexterity and/or~~
13 ~~optimum decision making ability.~~

14 ~~(c) Measure the percentage decrease in the payout percentage~~
15 ~~determined under subsection (b) over that determined under subsection~~
16 ~~(a).~~

17 **Sec. ~~155.108~~ 155.107 Minors Prohibited from Playing Adult Arcade**
18 **~~Amusement Machines.~~**

19 No person under the age of 18 years shall be permitted to play an
20 ~~adult arcade amusement machine~~ Adult Arcade Amusement Machine or be on
21 the premises of an ~~adult arcade amusement center~~ Adult Arcade Amusement
22 Center. All ~~adult arcade amusement machines~~ Adult Arcade Amusement
23 Machines on the premises of the ~~adult arcade amusement center~~ Adult Arcade
24 Amusement Center shall each bear a sticker, at least three inches in
25 diameter, which clearly and legibly says "Play by Minors Prohibited".

26 No person under the age of 18 years shall be permitted to work in
27 an Adult Arcade Amusement Center.

28 **Sec. ~~155.109~~ 155.108. Permitting.**

29 The following shall apply relative to permitting of any Adult
30 Amusement Arcade enter:

31 (a) *Permit Required.* All ~~adult arcade amusement centers~~ Adult

1 Arcade Amusement Centers located within the geographic boundaries of
2 Duval County shall obtain an ~~adult arcade amusement center~~ Adult Arcade
3 Amusement Center permit issued by the Department of Neighborhoods as a
4 prerequisite to the initial operation of an ~~adult arcade amusement~~
5 ~~center~~ Adult Arcade Amusement Center.

6 (b) *Permits Limited.* The total number of permits issued
7 pursuant to this section for ~~adult arcade amusement centers~~ Adult
8 Arcade Amusement Centers within Duval County shall be limited to no
9 more than ~~two~~ twenty (20).

10 (c) *Permit Form and Conditions.* The application for an ~~adult~~
11 ~~arcade amusement center~~ Adult Arcade Amusement Center permit must be
12 on a form approved by the Department of Neighborhoods and the Office
13 of General Counsel, and accompanied by ~~satisfactory proof of (1)~~
14 ~~licensure of the pari-mutuel permittee's premises pursuant to Ch. 550,~~
15 ~~Florida Statutes, and (2)~~ payment by the applicant of the applicable
16 occupational license tax imposed by Section 772.340, Ordinance Code.

17 (d) *Permit Issuance.* Upon the submission of a complete and
18 accurate application complying with the terms of this section, the
19 Department of Neighborhoods shall issue an initial permit for the
20 period from the date of the beginning of operations until the following
21 September 30, partial years will be prorated for days of operation
22 until the following September 30. After the permit for the initial
23 year or partial year of operation, renewal permits with a term of one
24 (1) year shall be issued to the permittee on or before each October 1
25 upon submission of all required documentation and payment of the
26 applicable permit fees.

27 (e) *Certain Convictions Prohibited.* No ~~adult arcade amusement~~
28 ~~center~~ Adult Arcade Amusement Center ~~occupational~~ permit shall be
29 issued to an applicant if any person with an ownership interest in the
30 business operating the ~~adult arcade amusement center~~ Adult Arcade
31 Amusement Center has been convicted of a violation of a federal, state

1 or local law, ~~statute or ordinance pertaining to gambling or any other~~
2 ~~crime involving moral turpitude~~ in the form of a felony or crime of
3 dishonesty within ~~seven~~ ten (10) years preceding the date of the filing
4 of the license application.

5 (f) *Review and approval.* ~~Except as provided for in subsection (c)~~
6 ~~above,~~ Within sixty (60) days of receipt of an Applicant's
7 completed permit application, the Department of Neighborhoods shall
8 grant or deny the application. If any principal, officer, shareholder
9 or director of the Operator of the Adult Arcade Amusement Center has a
10 pending criminal case for an enumerated crime the City may delay its
11 grant or denial of the permit until sixty (60) days after the final
12 judgment in the case. If an Applicant satisfies all permit filing
13 requirements and is not ineligible, the Department of Neighborhoods
14 shall approve the application.

15 (g) *Denial of Permit.* An Applicant whose permit application is denied
16 may reapply at any time by completing all steps of the application
17 procedure. The decision to deny a permit shall be considered non-final
18 agency action subject to appellate review by a committee (Committee)
19 consisting of the Director of Planning and Development, the Director
20 of Neighborhoods (or successor), and the Chair of the Council's
21 Neighborhoods, Community Service, Public Health & Safety Committee.
22 The decision of the Committee shall constitute final agency action
23 subject to judicial review. Any appeal of a permitting decision shall
24 be made within fifteen (15) calendar days of denial by filing a written
25 notice of appeal with the Director of Neighborhoods. Failure to file
26 written notice of appeal within the prescribed time period constitutes
27 a waiver of the right to appeal.

28 (~~h~~i) *Revocation of Permit.* The City may revoke a permit for
29 violation of any provision of this Chapter. Prior to revocation, the
30 City shall provide to the permit holder, through their ~~individual in~~
31 Duval County authorized to accept notices from the City, the following:

1 (1) A written notice of intent to revoke the permit,

2 (2) A fourteen (14) calendar day opportunity to cure the
3 alleged violation, and

4 (3) An opportunity to be heard prior to revocation.

5 Revocation shall not take place before twenty one (21) days after a
6 notice of revocation, opportunity to cure, and opportunity to be heard is
7 delivered to the permit holder. The decision to revoke a permit shall be
8 considered non-final agency action subject to appellate review by a Review
9 Committee (Committee) consisting of the Director of Planning and
10 Development, the Director of Neighborhoods (or successor), and the Chair
11 of the Council's Neighborhoods, Community Service, Public Health & Safety
12 Committee. The decision of the Committee shall constitute final agency
13 action subject to judicial review. Any appeal of a revocation decision
14 shall be made within fifteen (15) calendar days of revocation by filing
15 a written notice of appeal with the Director of Neighborhoods. Failure to
16 file written notice of appeal within the prescribed time period
17 constitutes a waiver of the right to appeal.

18 **Sec. ~~155.110~~155.109 Machine Registration Requirements.**

19 Adult arcade amusement machines, as defined in this Chapter, shall
20 be registered as follows:

21 (a) The permittee is required to maintain on its premises a complete
22 inventory, ~~along with which shall include~~ serial numbers or equivalent
23 identification, ~~and registration numbers,~~ as set forth in subsections (d)
24 and (e) below, ~~of the adult arcade amusement machines~~ Adult Arcade
25 Amusement Machines in operation on the premises of the ~~adult arcade~~
26 ~~amusement center~~ Adult Arcade Amusement Center at all times. The initial
27 application for permit shall include a certificate of inspection by the
28 Department of Neighborhoods's permitting administrator of the inventory,
29 along with serial numbers or equivalent of identification, as set forth
30 in subsection (d) and (e) below, of the machines that the permittee
31 intends to put into operation when the ~~adult arcade amusement center~~ Adult

1 Arcade Amusement Center begins its business activities.

2 (b) Each renewal permit application shall ~~contain a certificate of~~
3 require a renewal inspection of updated onsite inventory, along with
4 serial numbers or equivalent identification and registration numbers, as
5 set forth in subsection (d) and (e) below, of the machines that the
6 permittee intends to put into operation when the ~~adult arcade amusement~~
7 ~~center~~ Adult Arcade Amusement Center begins its business activities under
8 the renewal license.

9 (c) Before a new or replacement ~~adult arcade amusement machine~~
10 Adult Arcade Amusement Machine is put into operation at the ~~adult arcade~~
11 ~~amusement center~~ Adult Arcade Amusement Center, the permittee shall notify
12 the Department of Neighborhoods's permit administrator of the addition of
13 the machine to the inventory, obtain a new registration sticker, and
14 update its inventory accordingly.

15 (d) Upon review of the inventory of machines under subsections (a),
16 (b) and (c) above, the Department of Neighborhoods's permit administrator
17 shall enter each machine into an ~~adult arcade amusement machine~~ adult
18 Arcade Amusement Machine registry that the ~~license~~ permit administrator
19 shall create. For each machine registered, the permit administrator shall
20 cause to be issued and delivered to permittee for each machine within
21 seven (7) days of the notification required under section (c) a numbered
22 ~~metal or plastic~~ decal. The registration decal for each machine shall be
23 attached thereto and in plain view at all times. Registration decals are
24 not transferable. The failure of any machine to display a current
25 registration decal shall be a violation of this section and subject to
26 enforcement action by the City as defined in this Chapter.

27 (e) The inventory of machines under subsections (a), (b) and (c)
28 above shall provide the following information: the manufacturer(s); the
29 serial number(s); model number(s), common name, type or description of
30 the game played on the machine; and the registration decal assigned to
31 the machine. ~~The registration decal shall contain the inventory number~~

1 ~~of the machine.~~

2 (f) Each inventory of machines submitted under subsections (a), (b)
3 and (c) above shall be accompanied by a certificate issued by an
4 independent testing laboratory ~~licensed~~ which meets or exceeds the
5 requirements set forth by the State of Florida ~~pursuant to F.S. Ch. 551,~~
6 certifying that the game played by the ~~skill-based adult arcade amusement~~
7 ~~machines identified in the inventory meet the application of skill~~
8 ~~requirement contained in sections 155.104(d), 155.105 and 155.107 of this~~
9 ~~Chapter.~~ on Adult Arcade Amusement Machine contains software which is
10 protected from tampering; and information identifying the version of the
11 software.

12 **Sec. 155.111 155.110 Record Keeping Requirements.**

13 The following records shall be maintained in the administrative
14 office of each ~~adult arcade amusement center~~ Adult Arcade Amusement
15 Center:

16 (a) The name, address, telephone numbers, date of birth, driver's
17 license number, and principal occupation of every person with a 10% or
18 greater ownership interest in the business of the ~~adult arcade amusement~~
19 ~~center~~ Adult Arcade Amusement Center;

20 ~~(b) A copy of the license issued for the pari-mutuel permittee by~~
21 ~~the State of Florida pursuant to Ch. 550, Florida Statutes;~~

22 ~~(e)~~ (b) A current inventory of machines in operation on the
23 premises; and

24 ~~(d)~~ (c) A current certification of ~~compliance~~ skill issued by an
25 independent testing laboratory ~~licensed pursuant to F.S. Ch. 551,~~ for
26 each game or machine ~~played by the skill-based machines~~ listed in the
27 inventory.

28 **Sec. 155.111 Signage Requirements.**

29 (a) Exterior of Premises. Exterior signage shall be limited to
30 the advertisement of the type of facility. No signs shall be posted on
31 the exterior of the Premises that suggest gambling takes place on the

1 Premises or displays any image commonly associated with slot machines,
2 card games, dice games, or other games played in casinos. All signage
3 shall be further subject to Part 13, Chapter 656, Zoning Code (Sign
4 Regulations).

5 **Sec. 155.112 Enforcement.**

6 (a) The City of Jacksonville shall have the right to pursue all
7 legal and equitable remedies necessary to ensure full compliance with
8 this Chapter. ~~Except as otherwise provided herein, the requirements of~~
9 ~~this Chapter may be enforced by the Department of Neighborhoods (or its~~
10 ~~successor) and/or the Jacksonville Sheriff's Office as follows:~~

11 ~~(1)Through the Municipal Code Enforcement Board or the Special~~
12 ~~Magistrate pursuant to the authority granted by F.S. Ch. 162, Part I, and~~
13 ~~Ch. 91, Ordinance Code;~~

14 ~~(2)Through the judicial system by citation for civil penalties~~
15 ~~pursuant to the authority granted by F.S. Ch. 162, Part II, and Ch.~~
16 ~~609, Ordinance Code;~~

17 ~~(3)Through the judicial system by civil complaint filed by the City~~
18 ~~for civil penalties in a court of competent jurisdiction;~~

19 ~~(4)By civil action for injunctive relief through a court of competent~~
20 ~~jurisdiction; and/or~~

21 ~~(5)By all other means available in law or equity.~~

22 including but not limited to injunctive relief.

23 ~~(b)Civil penalty payments recovered pursuant to this Chapter shall~~
24 ~~be used to fund administration and enforcement efforts under this Chapter.~~
25 ~~Upon successful prosecution of any violation of this Chapter wherein the~~
26 ~~City has filed suit in a court of competent jurisdiction to recover a~~
27 ~~civil penalty and/or obtain injunctive relief, the City shall be~~
28 ~~authorized to recover its reasonable attorneys' fees and costs.~~

29 ~~(c)~~ (b) Permittees shall have a private right of action to pursue
30 all legal and equitable remedies necessary to ensure full compliance with
31 this Chapter against any other permittee, including but not limited to

1 injunctive relief.

2 **Sec. 155.113 ~~Occupational License~~ Business Tax; Adult Arcade**
3 **Amusement Machine Registration Fees.**

4 The following taxes and fees shall be assessed in connection with
5 operation of any ~~adult arcade amusement center~~ Adult Arcade Amusement
6 Center:

7 (a) Notwithstanding any other provision of the Ordinance Code, and
8 in accordance with F.S. Ch. 205, the exclusive annual ~~occupational license~~
9 business tax for each ~~licensed permitted~~ adult arcade amusement center
10 Adult Arcade Amusement Center shall be \$40.00 per day of operation,
11 payable by the licensee on or before October 1 of each year for the
12 following ~~one-year~~ one (1) year operational period beginning on October
13 1. In any partial year of operation, the annual ~~occupational license~~
14 business tax shall be prorated from the beginning date to the following
15 September 30.

16 (b) The annual machine registration fee shall be ~~\$50~~ \$250.00 per
17 machine payable by the permittee on or before October 1 of each year for
18 the following ~~one-year~~ one (1) year operational period beginning on
19 October 1. If a machine is registered after October 1, then the annual
20 registration fee shall be prorated from date of registration to the
21 following September 30.

22 **Sec. 155.114 Penalty.**

23 ~~Each violation~~ Violation of any section of this Chapter by a licensee
24 or any unlicensed person, company or entity shall ~~constitute a Class E~~
25 ~~offense, as defined in Chapter 609, Ordinance Code~~ be punishable by
26 imposition of a civil penalty not to exceed \$51,000.00 per machine per
27 day. Each day the violation exists shall constitute a separate violation
28 for the purposes of this Chapter and may be punishable as such.

29 **Sec. 155.115. Right of Entry.**

30 The City of Jacksonville and the Jacksonville Sheriff's Office shall
31 have the right to enter and inspect the public spaces of the premises at

1 any time to ensure compliance with the provisions of this Chapter or any
2 other ordinances within their authority, including but not limited to the
3 right to enter the premises and to select and remove any ~~adult arcade~~
4 ~~amusement machine(s)~~ Adult Arcade Amusement Machine(s) to inspect, test
5 and/or have tested to determine compliance with this Chapter.

6 **Sec. 155.116. Severability.**

7 In the event that any portion of this Chapter is declared invalid,
8 unenforceable, unconstitutional or void, or is permanently enjoined, or
9 if the existence of any provision of this Chapter would result in any
10 other portion of any Chapter of the Ordinance Code being held to be
11 invalid, unenforceable, unconstitutional or void, and the court does not
12 sever such invalid portion of this section, then the invalid portion of
13 this Chapter is repealed and invalid. It is the specific intent that the
14 invalidity of any portion of this Chapter shall not affect any other
15 section, subsection, paragraph, subparagraph, sentence, phrase, clause or
16 word of this Chapter or the Ordinance Code.

17 **Section 4. Amending Title VI (Businesses, Trades And Occupations)**
18 **Chapter 156 (Electronic Game Promotions), Ordinance Code.** Title VI
19 (Businesses, Trades and Occupations), Chapter 156 (Electronic Game
20 Promotions), *Ordinance Code*, is hereby amended as follows:

21 **Title VI. BUSINESSES, TRADES AND OCCUPATIONS**

22 * * *

23 **Chapter 156.**

24 **~~ELECTRONIC GAME PROMOTIONS~~ GAME PROMOTIONS OR SWEEPSTAKES UTILIZING**
25 **ELECTRONIC EQUIPMENT**

26 * * *

27 **Sec. 156.104 General Prohibition.**

28 Except as expressly regulated and permitted by this Chapter no Person
29 or Operator, other than a De minimis Activity Facility as defined herein,
30 shall conduct a drawing by chance pursuant to F.S. § 849.0935, sweepstakes
31 or game promotion pursuant to F.S. § 849.094, or any other game of chance

1 on any electronic or mechanical device provided by an operator of the
2 game of chance which displays the result by simulating a game or games
3 ordinarily played on a slot machine unless properly registered with the
4 City pursuant to this Chapter.

5 **Sec. 156.105 Definitions.**

6 * * *

7 ~~(d) "Electronic Equipment" means any electronic or mechanical device~~
8 ~~provided by or on behalf of the Operator that is used or adapted for use~~
9 ~~to conduct and/or reveal the results of a drawing by chance conducted in~~
10 ~~connection with the sale of a consumer product or service, sweepstakes or~~
11 ~~game promotions that display results by simulating a game or games~~
12 ~~ordinarily played on a slot machine.~~

13 ~~(e)(d) De minimis Activity Facility means a facility operated by an~~
14 ~~organization exempt from federal taxation under Section 501(c) of the~~
15 ~~Internal Revenue Code and with five (5) or fewer electronic or mechanical~~
16 ~~devices that are used to conduct a drawing by chance, sweepstakes or game~~
17 ~~promotion utilizing those electronic or mechanical devices, all of which~~
18 ~~devices were in operation on or before July 1, 2022, at that facility.~~

19 ~~(e) Electronic Equipment means any electronic or mechanical device~~
20 ~~provided by or on behalf of the Operator that is used or adapted for use~~
21 ~~to conduct and/or reveal the results of a drawing by chance conducted in~~
22 ~~connection with the sale of a consumer product or service, sweepstakes or~~
23 ~~game promotions that display results by simulating a game or games~~
24 ~~ordinarily played on a slot machine.~~

25 ~~(f) "Minor" means an individual under the age of eighteen (18) years.~~

26 ~~(f) Game Promotion means, but is not limited to, a contest, game~~
27 ~~of chance, sweepstakes, or gift enterprise, conducted by an operator~~
28 ~~within the county in connection with and incidental to the sale of~~
29 ~~consumer products or services, and in which the elements of chance and~~
30 ~~prize are present.~~

31 ~~(g) Operator means any Person in whose name a drawing by chance~~

1 ~~conducted in connection with the sale of a consumer product or service,~~
2 ~~sweepstakes, or game promotion that utilizes Electronic Equipment is~~
3 ~~conducted.~~

4 (g) *Minor* means an individual under the age of eighteen (18) years.

5 ~~(h) "Permit Holder" means the Operator in whose name the City has~~
6 ~~issued a permit under this Chapter.~~

7 (h) *Operator* means a Person who maintains a premises in the City and
8 Operates or conducts a game promotion.

9 (i) *Premises* means the ~~house,~~ building, edifice, or location, along
10 with its grounds, in or upon which the Operator conducts drawings by
11 chance conducted in connection with the sale of a consumer product or
12 service, sweepstakes or game promotions using Electronic Equipment.

13 ~~(j) *Rules* means the restrictions and covenants governing the~~
14 ~~operation of the drawing by chance, sweepstakes, or game promotion.~~

15 (j) *Permit Holder* means the Operator in whose name the City has
16 issued a permit under this Chapter.

17 ~~(k) *Slot machine* means any mechanical or electrical contrivance,~~
18 ~~terminal that may or may not be capable of downloading slot games from a~~
19 ~~central server system, machine, or other device that, upon insertion of~~
20 ~~a coin, bill, ticket, token, or similar object or upon payment of any~~
21 ~~monetary consideration whatsoever, including the use of any electronic~~
22 ~~payment system, is available to play or operate, the play or operation of~~
23 ~~which, including any element of chance, may deliver or entitle the person~~
24 ~~or persons playing or operating the contrivance, terminal, machine, or~~
25 ~~other device to receive cash, billets, tickets, tokens, or electronic~~
26 ~~credits to be exchanged for cash or to receive merchandise or anything of~~
27 ~~value whatsoever, whether the payoff is made automatically from the~~
28 ~~machine or manually. Slot machines may use spinning reels, video displays,~~
29 ~~cathode ray tubes, microprocessors or other similar technology, and have~~
30 ~~as their object, the presentation or lining up, arrangement, or~~
31 ~~juxtaposition of symbols, alpha-numeric signs, colors, or figures to~~

1 ~~determine a result or outcome.~~

2 (k) Rules means the restrictions and covenants governing the
3 operation of the drawing by chance, sweepstakes, or game promotion.

4 (l) Slot machine shall be defined as provided in Florida Statutes
5 including but not limited to section 849.16, Florida Statutes, or section
6 551.102(9), Florida Statutes.

7 To the extent not defined in this section, the definitions utilized
8 in sections 849.0935 and 849.094, Florida Statutes shall be applicable to
9 all terms used in this Chapter.

10 **Sec. 156.106 Permitting and Fees.**

11 (a) *Permit Required.* Every Operator using Electronic Equipment to
12 conduct a drawing by chance conducted in connection with the sale of a
13 consumer product or service, sweepstakes or game promotion shall obtain
14 a permit from the Department of Neighborhoods's ~~(hereinafter Department~~
15 ~~of Environmental and Compliance or City)~~ for each Premises. Each permit
16 is valid only for the Operator and the Premises named in the permit. Each
17 permit is valid for one year.

18 ~~(b) Initial Permits. Within sixty (60) days of enactment of this~~
19 ~~Chapter, all current Operators that have been operating a drawing by~~
20 ~~chance conducted in connection with the sale of a consumer product or~~
21 ~~service, or sweepstakes or other game promotion using Electronic Equipment~~
22 ~~at a Premises on August 9, 2010, and which are subject to this Chapter,~~
23 ~~and which apply for, facially qualify for, and pay required fees for a~~
24 ~~permit, shall be granted a permit for the Premises as provided for in~~
25 ~~this section. Each such Operator shall, in addition to the requirements~~
26 ~~set forth herein as part of the application, provide proof satisfactory~~
27 ~~to the Department of Environmental and Compliance that the Operator was~~
28 ~~lawfully operating on the Premises a game promotions or sweepstakes~~
29 ~~utilizing electronic equipment or a drawings by chance conducted in~~
30 ~~connection with the sale of a consumer product or service utilizing~~
31 ~~electronic equipment, as of August 9, 2010, which such evidence may~~

1 ~~include a current and valid lease, rental agreement, purchase and sale~~
2 ~~contract, bill of sale or receipt indicating the purchase, lease or use~~
3 ~~of Electronic Equipment on the Premises, or other certificates, permits,~~
4 ~~licenses, receipts or filings issued by the Federal, State or local~~
5 ~~government indicating proof of the uses contemplated by this Chapter on~~
6 ~~the Premises.~~

7 ~~(c)(b) Permits Limited. Unless greater than twenty (20) permits have~~
8 ~~been issued as provided for in subsection (b) above,~~ The City shall limit
9 the total number of permits issued pursuant to this section to 20 twenty
10 (20). ~~After the permits authorized by subsection (b) are issued, no~~
11 ~~permits for new businesses shall be issued unless the issuance of the~~
12 ~~permit will not cause the total number of permits issued to exceed 20~~
13 ~~permits. All qualifying Operators who receive an initial permit as~~
14 ~~provided for in subsection (b) shall be entitled to renew their permit if~~
15 ~~they otherwise qualify and pay required fees. In the event that a permit~~
16 ~~becomes available,~~ Each Premises shall require a separate individual
17 permit. All applications for the permitting of a new business shall, in
18 addition to all permitting requirements set forth herein, be subject to
19 the following procedures:

20 (1) The Department of Neighborhoods shall publish a notice in
21 a newspaper of general circulation in a form prescribed by the Department
22 Neighborhoods, regarding the availability of such permit and the
23 prescribed time period of fourteen (14) calendar days from the date of
24 such publication within which the City will accept applications. ~~and the~~
25 ~~location and date of the public meeting at which the random selection of~~
26 ~~the application for permit shall take place.~~

27 (2) ~~All applications shall be submitted within such provided~~
28 ~~timeframe. Any applications not submitted within such timeframe shall be~~
29 ~~automatically disqualified.~~ Each Applicant shall be allowed to submit
30 only one (1) application for each available permit. An Applicant shall be
31 deemed to be the same as another Applicant and each of their applications

1 shall be disqualified, if such Applicant is the same Person or consists
2 of any variation of the same Person as another Applicant.

3 ~~(3) Once the time period for submission of applications has~~
4 ~~expired, the City shall randomly select an application for consideration~~
5 ~~of the available permit at a meeting open to the public by the Department~~
6 ~~of Environmental and Compliance in the presence of one or more witnesses~~
7 ~~at the time and place set forth in the notice.~~ The first twenty (20)
8 complete Applications that meet the requirements of this Ordinance
9 submitted to the City for consideration of the available permit shall be
10 awarded a permit.

11 (4) Once such application is ~~selected~~ approved, the Applicant
12 shall proceed with complying with all other requirements set forth herein.
13 ~~The City's random selection of an application as provided herein shall~~
14 ~~not constitute the City's acceptance or approval of the application,~~
15 ~~including for example, for purposes of determining the application's~~
16 ~~completeness. For purposes of all timelines and time periods set forth in~~
17 ~~this Chapter, including but not limited to the duration of review within~~
18 ~~which the City or any of its Departments or Divisions are to conduct~~
19 ~~application reviews, such timelines and time periods shall be extended by~~
20 ~~the amount of time required to appropriately conduct the random selection~~
21 ~~of the application.~~

22 (5) The decision to deny a permit shall be considered non-final
23 agency action subject to appellate review by the Review Committee
24 (Committee) referenced below consisting of the Director of Planning and
25 Development, the Director of Neighborhoods (or successor), and the Chair
26 of the Council's Neighborhoods, Community Services, Public Health & Safety
27 Committee. The decision of the Committee shall constitute final agency
28 action subject to judicial review. Any appeal of a permitting decision
29 shall be made within fifteen (15) calendar days of denial by filing a
30 written notice of appeal with the Director of Neighborhoods. Failure to
31 file written notice of appeal within the prescribed time period

1 constitutes a waiver of the right to appeal.

2 ~~(d)~~ (c) Application Materials Required for Permit.

3 (1) Applicant shall file with the City the following materials:

4 (i) a copy of a current Duval County Business Tax Receipt in
5 the name of the Applicant including the business address;

6 (ii) a copy of Applicant's proposed Rules governing the
7 drawing by chance, sweepstakes or game promotion which includes the odds
8 of winning and the prize table;

9 ~~(iii) If the application is for a sweepstakes or game
10 promotion over \$5000, a copy of Applicant's certification of a bond or
11 trust account provided to the Florida Department of Agriculture and
12 Consumer Services, if required; and~~

13 (iii) Game Promotion

14 A. if the application is for a sweepstakes or game
15 promotion over \$5000 Applicant shall provide:

16 (1) a copy of proof of possession of a trust account, in
17 a national or state-chartered financial institution, with a balance
18 sufficient or pay or purchase the total value of all prizes offered
19 for the full year of the permit covering all games, sweepstakes, or
20 promotions offered, on a form supplied by the Department of
21 Neighborhoods; containing the signature of an official of the
22 financial institution holding the trust account verifying the dollar
23 amount of the trust account, the identity of the entity or individual
24 establishing the trust account, and the name of the game promotion
25 for which the trust account has been established.

26 (2) In lieu of establishing such trust account, the
27 Operator may obtain a surety bond in an amount equivalent to the
28 total value of all prizes offered for the sweepstakes or game
29 promotion or \$50,000, whichever is less; and such bond shall be
30 filed with the Department of Neighborhoods at the time of the
31 application renewal.

1 (iv) a complete list of all products and services offered and
2 the prices charged therefor; and

3 (vi) for every principal, officer, shareholder and director of
4 the Operator, the results of a criminal background check.

5 ~~In addition, for and every principal, officer, shareholder and~~
6 ~~director of the Operator, a fingerprint card and letter certifying the~~
7 ~~results of a criminal background check generated by the Jacksonville~~
8 ~~Sheriff's Office or Florida Department of Law Enforcement.~~

9 (2) Applicant shall provide a sworn affidavit containing the
10 following:

11 i) the identity of the Applicant and if the Applicant is:

12 A. an individual, his name, residence address, and date of
13 birth;

14 B. an unincorporated organization, the names, dates of birth,
15 and residence addresses of its principals; or

16 C. a corporation, the corporate name, state of incorporation
17 and the names, dates of birth, and residence addresses of
18 its principal officers, directors, and shareholders;

19 D. a limited liability company, the company name, state of
20 incorporation and the names, dates of birth and residence
21 addresses of its members and managers;

22 (ii) a description, including the number of pieces of the Electronic
23 Equipment;

24 (iii) a statement of whether any of the individuals listed has,
25 within the ~~five-year~~ ten-year period immediately preceding the date of
26 the application, been convicted of any felony under the laws of Florida,
27 the United States, or any other state, ~~or has had adjudication withheld,~~
28 and, if so, the particular criminal act involved and the place of
29 conviction;

30 (iv) the street address of the Premises where the drawing by chance
31 conducted in connection with the sale of a consumer product or service,

1 sweepstakes or game promotions are to be conducted;

2 (v) if the Applicant is a branch, chapter, lodge, or other local
3 unit of a charitable organization or corporation, the name of the primary
4 organization and the street address of its principal office; and

5 (vi) the name and address of an individual in Duval County who is
6 authorized to receive notices from the City

7 (vii) a statement certifying that all information on the application
8 and any attachments thereto is true and that the Applicant understands
9 that any misstatement of material fact in the application will result in
10 the denial of the permit or, if it has been issued, in the suspension or
11 revocation of the permit.

12 (viii) A certification that the computer software that is used by
13 the Operator to conduct a drawing by chance in connection with the sale
14 of a consumer product or service, sweepstakes or game promotion has been
15 tested by an independent testing laboratory that has verified the manner
16 that the software works. That verification of the manner that the
17 software works shall comply with all applicable state and local laws,
18 including this Chapter.

19 (3) Applicant shall file with the Department of Neighborhoods the
20 following:

21 (i) A copy of the sworn affidavit described in subsection (2)
22 above;

23 (ii) A complete list of all products and services offered and the
24 prices charged therefore;

25 (iii) A verification that the prices charged for the products
26 and/or services constitute a reasonable market value;

27 (iv) A copy of the certification report issued by an independent
28 testing laboratory that describes and verifies the manner in which the
29 software works.

30 (e) *Application Fee*. Each Applicant shall remit a non-refundable
31 application fee of \$500. This fee shall pay for the time and expense of

1 the Jacksonville Sheriff's Office and the City in enforcing the provisions
2 herein, reviewing and ruling on the application, issuing the permit, and,
3 if applicable, hearing any appeals.

4 (f) *Review of Application.*

5 (1) Duration of Review.

6 (i) By City for Permit. Within sixty (60) days of receipt
7 of an Applicant's completed permit application, the City of Jacksonville
8 shall grant or deny the application. If any principal, officer,
9 shareholder or director of the Operator has a pending criminal case for
10 an enumerated crime the City may delay its grant or denial of the permit
11 until sixty (60) days after the final judgment in the case.

12 ~~(ii) By Jacksonville Sheriff's Office for Criminal~~
13 ~~History. Within thirty (30) days of receipt from a principal, officer,~~
14 ~~shareholder or director of the Operator of a legible copy of fingerprints,~~
15 ~~social security number, full name, current address, sex, race, recent~~
16 ~~photograph, and date of birth, the Jacksonville Sheriff's Office shall~~
17 ~~conduct a criminal history check, certify the results in writing, and~~
18 ~~provide a copy of the results to the Applicant. If necessary, the~~
19 ~~Jacksonville Sheriff's Office may solicit assistance from other agencies~~
20 ~~to complete the criminal history check.~~

21 (2) Eligibility of Applicant. An Applicant is ineligible for a
22 permit if:

23 (i) within ~~five~~ ten (10) years of the date of the
24 application, Applicant has been convicted of any felony, under the laws
25 of Florida, the United States, or any other state unless said violation
26 would not constitute a crime in Florida, or has had adjudication for same
27 withheld,

28 (ii) within three years of the date of the application, has
29 had a permit under this Chapter revoked or been convicted for a violation
30 of this Chapter,

31 (iii) the prices to be charged for the product(s) or

1 service(s) offered, as listed on the permit application, do not constitute
2 a reasonable market value, or

3 (iv) the application materials are incomplete or untruthful.

4 The City shall deny the permit for any of the above reasons. If an
5 Applicant satisfies all permit filing requirements and is not ineligible,
6 the City shall approve the application.

7 (g) *Denial of Permit.* An Applicant whose permit application is denied
8 may reapply at any time by completing all steps of the application
9 procedure, including payment of a new application fee. The decision to
10 deny a permit shall be considered non-final agency action subject to
11 appellate review by a committee (Committee) consisting of the Director of
12 Planning and Development, the Director of Neighborhoods (or successor),
13 and the Chair of the Council's Neighborhoods, Community Services, Public
14 Health & Safety Committee. The decision of the Committee shall constitute
15 final agency action subject to judicial review. Any appeal of a permitting
16 decision shall be made within fifteen (15) calendar days of denial by
17 filing a written notice of appeal with the Director of Neighborhoods.
18 Failure to file written notice of appeal within the prescribed time period
19 constitutes a waiver of the right to appeal.

20 (h) *Permit fees.* The eligible Applicant, before receiving the
21 permit, shall pay:

22 (1) An Electronic Drawing and Game Promotion Fee of \$2,000
23 for the Premises ~~with more than five (5) pieces of Electronic Equipment,~~
24 ~~or \$200 for Premises with five (5) or fewer pieces of Electronic~~
25 ~~Equipment.~~ The fee is for one year during which the permit is valid and
26 shall be paid each time the permit is renewed. If an eligible Applicant
27 fails to pay this fee on or before the thirtieth (30th) day after approval,
28 availability, and notice of the permit authorization, the application
29 shall be deemed denied.

30 (2) An annual fee of ~~\$50~~ \$250 per piece of Electronic
31 Equipment. ~~If the eligible Applicant fails to pay the fee on or before~~

1 ~~the thirtieth (30th) day after approval, availability, and notice of the~~
2 ~~permit authorization, the application shall be deemed denied.~~

3 The fees collected pursuant to this subsection shall be contributed
4 towards the costs associated with the inspection and examination by the
5 City or the Jacksonville Sheriff's Office of the Premises, Electronic
6 Equipment, and records of the Permit Holder to ensure compliance with
7 this Chapter.

8 (i) *Duration of Permit.* A permit shall be valid for one (1) year
9 from the date of issuance.

10 (j) *Renewal of Existing Permit.* Existing permits shall be renewed
11 upon compliance with this Chapter, notwithstanding the total number of
12 permits issued. The Permit Holder shall apply for the renewal permit no
13 later than sixty (60) days and no sooner than one-hundred twenty (120)
14 days before the expiration of the current permit. The renewal permit
15 application shall include all the materials and the application fee
16 required for the issuance of an original permit, and shall include
17 evidence of current lawfully existing operations consistent with the
18 requirements of this Chapter. Renewal permit applications shall be
19 processed using the same procedure and standards as required for review
20 of an original permit application, including site inspections, inventory
21 evaluations and game promotion audits, but shall be processed within 30
22 days. Upon approval, Renewal permit applicants shall pay the same fees
23 as set forth in subsection (h) above and said renewals shall be deemed
24 denied if an eligible Applicant fails to pay these fees on or before the
25 thirtieth (30th) day after approval, availability, and notice of the
26 permit authorization.

27 (k) *Restrictions on Transfers of Permits.*

28 (1) *Transfer to Another Entity.* Permits may not be transferred
29 ~~no more than one time,~~ to another entity. ~~, upon written notification and~~
30 ~~evidence of the conveyance to the Department of Environmental and~~
31 ~~Compliance.~~ Any change in a majority or controlling interest in any

1 Permit Holder shall be deemed an impermissible transfer of the permit. ~~7~~
2 ~~except in the event of the one-time transfer, upon written notification~~
3 ~~and evidence of such transfer to the Department of Environmental and~~
4 ~~Compliance, as provided herein.~~

5 (2) Transfer to Another Premises. Permits may be transferred
6 to another premise upon application and payment of a \$500 transfer fee.
7 The transferred location shall be approved within fifteen (15) days of
8 submittal of a complete application (including all required supplemental
9 information, including but not limited to any required certified maps
10 depicting applicable locations and distances), if such use is a permitted
11 use in an approved zoning district, as set forth in Chapter 656, Zoning
12 Code and in all other applicable provisions of the Ordinance Code.
13 Otherwise, the application shall be denied.

14 (1) *Revocation of Permit.* The City may revoke a permit for violation
15 of any provision of this ~~Chapter or due to a Permit Holder's cessation of~~
16 ~~the use of Electronic Equipment during its normal business hours for at~~
17 ~~least fourteen (14) consecutive days.~~ Prior to revocation, the City shall
18 provide to the Permit Holder, through their individual in Duval County
19 authorized to accept notices from the City, the following:

20 (1) A written notice of intent to revoke the permit,

21 (2) A fourteen (14) calendar day opportunity to cure the
22 alleged violation, and

23 (3) An opportunity to be heard prior to revocation.

24 Revocation shall not take place before twenty one (21) days
25 after a notice of revocation, opportunity to cure, and opportunity to be
26 heard is delivered to the Permit Holder. The decision to revoke a permit
27 shall be considered non-final agency action subject to appellate review
28 by a committee (Committee) consisting of the Director of Planning and
29 Development, the Director Neighborhoods (or successor), and the Chair of
30 the Council's Neighborhoods, Community Services, Public Health & Safety
31 Committee. The decision of the Committee shall constitute final agency

1 action subject to judicial review. Any appeal of a revocation decision
2 shall be made within fifteen (15) calendar days of revocation by filing
3 a written notice of appeal with the Director of Neighborhoods. Failure to
4 file written notice of appeal within the prescribed time period
5 constitutes a waiver of the right to appeal.

6 **Sec. 156.107 Inspection of Premises; Right of Entry; Inspection of**
7 **Equipment.**

8 During business hours, the City, the Jacksonville Sheriff's Office,
9 or their agents may enter the Premises for purposes of inspecting all
10 areas of the Premises otherwise accessible to the general public, to
11 ensure compliance with the provisions of this Chapter or any other
12 ordinances within their authority, including but not limited to the right
13 to enter the Premises and to select and remove any piece(s) of Electronic
14 Equipment to inspect, test and/or have tested to determine compliance
15 with this Chapter. The City of Jacksonville or the Jacksonville Sheriff's
16 Office may issue to the Permit Holder a show cause order requiring the
17 production on Premises of documents or data relating to the game
18 promotion. Production of the records or inventory shall only be for
19 inspection and review to determine compliance with this Chapter. Within
20 three (3) days of receipt of the show cause order the Permit Holder shall
21 produce all requested records and inventory.

22 **Sec. 156.108 Signage Requirements.**

23 (a) *Exterior of Premises.* Exterior signage, including flags and
24 banners, shall be limited to the advertisement of the consumer product
25 and/or service sold on the Premises, ~~and that a sweepstakes held in~~
26 ~~connection with the sale of said consumer product and/or service is~~
27 ~~offered.~~ No signs shall be posted on the exterior of the Premises that
28 suggest gambling takes place on the Premises or displays any image
29 commonly associated with slot machines, card games, dice games, or other
30 games played in casinos. All signage shall be further subject to Part 13,
31 Chapter 656, Zoning Code (Sign Regulations).

1 (b) *Interior of Premises.* The Permit Holder shall conspicuously post
2 the name of the Permit Holder, a description of all products and services
3 sold, and the complete rules for all drawings by chance conducted in
4 connection with the sale of a consumer product or service, sweepstakes or
5 game promotions at the Premises' front or main counter. Rules for all
6 game promotions shall include the following language in at least 26 point
7 font: "State and local law prohibits this establishment from requiring an
8 entry fee, payment, or proof of purchase as a condition of participating.
9 No donation or contribution is required. You may obtain free entries upon
10 request from any employee on the premises." The Permit Holder shall also
11 post a sign which shall include the following language in at least 26
12 point type: "The video displays are for amusement and entertainment only.
13 The video displays do not determine the result of your sweepstakes
14 entries." The Permit Holder shall affix signage that shall include the
15 following language in at least ~~10~~26 point type on each piece of Electronic
16 Equipment: "The video displays are for amusement and entertainment only.
17 The video displays do not determine the result of your sweepstakes
18 entries." A complete copy of the Rules, prizes, and odds of winning shall
19 be made available on request without cost. Any consumer product or service
20 offered for sale shall be identified by description and price by
21 conspicuous posting. A copy of the permit shall be posted conspicuously
22 at the main counter or at the entrance.

23 **Sec. 156.109 Limitations on Operation of Business.**

24 (a) *Alcoholic Beverages.* Permit Holders shall not sell or permit any
25 individual to consume or possess any alcoholic beverages on any Premises
26 ~~with ten (10) or more pieces of Electronic Equipment.~~

27 (b) *Minors.* Permit Holders shall not permit Minors to enter the
28 Premises ~~except Minors employed at Premises where there are five (5) or~~
29 ~~fewer pieces of Electronic Equipment.~~

30 (c) *Conditions of Alternative Means of Entry.* Entries that are
31 available without purchase or financial donations shall be made available

1 on request. The Permit Holder shall not impose any condition on the
2 provision of such entries other than proof of identity by government
3 issued identification from any state. The Permit Holder shall not limit
4 the number of such entries offered per day per individual to less than
5 the equivalent amount of entries that Permit Holder provides to
6 individuals who make a donation, or purchase of a product or service
7 valued at least \$1.00.

8 ~~(d) *Limitation on Electronic Equipment.* Permit Holders shall not~~
9 ~~operate more than fifty (50) pieces of Electronic Equipment except that~~
10 ~~Permit Holders operating a drawing by chance offered in connection with~~
11 ~~the sale of a consumer product or service, sweepstakes or other game~~
12 ~~promotion using Electronic Equipment on or before January 1, 2010 in the~~
13 ~~City of Jacksonville may not operate more pieces of Electronic Equipment~~
14 ~~than were in operation on August 9, 2010, and any reduction following~~
15 ~~the enactment of this Chapter in Electronic Equipment pieces by such~~
16 ~~Permit Holders shall be permanent. Replacing an existing piece of~~
17 ~~Electronic Equipment due to a defect or upgrade shall not be deemed a~~
18 ~~reduction pursuant to this subsection, provided that such replacement~~
19 ~~occurs within thirty (30) days.~~

20 ~~(e)~~ (d) *Zoning.* Game promotions utilizing Electronic Equipment
21 shall be permitted or permissible by exception, as applicable, as set
22 forth in Chapter 656, Zoning Code, subject to all applicable requirements,
23 restrictions and limitations set forth in the Ordinance Code.

24 ~~(f)~~ (e) *Additional Restrictions.* No drawing by chance in connection
25 with the sale of a consumer product or service, sweepstakes or game
26 promotion shall:

27 (1) Design, engage in, promote, or conduct a game wherein the winner
28 may be predetermined or the game may be manipulated or rigged;

29 (2) Arbitrarily remove, disqualify, disallow, or reject any entry;

30 (3) Fail to award any prize offered;

31 (4) Print, publish, or circulate literature or advertising material

1 which is false, deceptive, or misleading; or

2 (5) Require an entry fee, payment, or proof of purchase as a
3 condition of entering.

4 ~~(g)~~ (f) Additional Requirements. An Operator conducting a drawing
5 by chance in connection with the sale of a consumer product or service,
6 sweepstakes or game promotion shall be required to:

7 (1) maintain a list of the names and addresses of all persons
8 who have won prizes which have a value of more than \$25 for ninety (90)
9 days ~~one (1) year.~~

10 (2) maintain a trust account or bond in an amount equal to the
11 total announced value of the prizes offered or \$50,000, whichever is less.

12 (h) Facility. The premises for Operators utilizing Electronic
13 Equipment for Game Promotions associated with the purchase of a consumer
14 product or service shall be at least 6,000 square feet of conditioned
15 space.

16 **Sec. 156.110 Safety and Security Requirements.**

17 On Premises, the Permit Holder shall maintain the following security
18 devices and standards:

19 (a) A security camera system operating ~~during business~~ twenty-
20 four hours a day and capable of recording and retrieving an identifiable
21 image;

22 (b) A drop safe or cash management device for restricted access to
23 cash receipts ~~where there are more than five (5) pieces of Electronic~~
24 ~~Equipment on the Premises;~~

25 (c) A conspicuous notice at all public entrances to Premises stating
26 cash register contains limited amount of cash;

27 (d) At exits to Premises, height markers displaying height measures;

28 (e) A cash management policy limiting cash on hand;

29 (f) A silent alarm system capable of notifying law enforcement; and

30 (g) ~~during nighttime~~ At all hours when the Premises is open for
31 business ~~and where there are more than five (5) pieces of Electronic~~

1 ~~Equipment on the Premises~~, at least one licensed, armed security guard
2 shall be on the Premises. The fact that a licensed armed security guard
3 may not be required, is not intended to immunize or forgive a Permit
4 Holder from any statutory or common law obligation to maintain reasonably
5 safe premises at any time.

6 **Sec. 156.111 Violations.**

7 It shall be unlawful for any Person, Operator, Manager, or Permit
8 Holder to violate any of the provisions of this Chapter.

9 Violations of different provisions of this Chapter shall constitute
10 separate offenses. Each day a violation occurs shall constitute a
11 separate offense.

12 ~~Each violation of any of the provisions of this Chapter shall~~
13 ~~constitute a Class E offense, as defined in Chapter 609, Ordinance Code.~~

14 ~~The City of Jacksonville shall have the right to pursue all legal~~
15 ~~and equitable remedies necessary to ensure full compliance with this~~
16 ~~Chapter.~~

17 ~~(a) Except as otherwise provided herein, the requirements of this~~
18 ~~Chapter may be enforced by the Department of Neighborhoods (or its~~
19 ~~successor) and/or the Jacksonville Sheriff's Office as follows:~~

20 ~~(1) Through the Municipal Code Enforcement Board or the Special~~
21 ~~Magistrate pursuant to the authority granted by F.S. Ch. 162, Part I, and~~
22 ~~Ch. 91, Ordinance Code;~~

23 ~~(2) Through the judicial system by citation for civil penalties~~
24 ~~pursuant to the authority granted by F.S. Ch. 162, Part II, and Ch. 609,~~
25 ~~Ordinance Code;~~

26 ~~(3) Through the judicial system by civil complaint filed by the City~~
27 ~~for civil penalties in a court of competent jurisdiction;~~

28 ~~(4) By civil action for injunctive relief through a court of~~
29 ~~competent jurisdiction; and/or~~

30 ~~(5) By all other means available in law or equity.~~

31 ~~(b) Civil penalty payments recovered pursuant to this Chapter shall~~

1 ~~be used to fund administration and enforcement efforts under this Chapter.~~
2 ~~Upon successful prosecution of any violation of this Chapter wherein the~~
3 ~~City has filed suit in a court of competent jurisdiction to recover a~~
4 ~~civil penalty and/or obtain injunctive relief, the City shall be~~
5 ~~authorized to recover its reasonable attorneys' fees and costs.~~

6 ~~(c) Permittees shall have a private right of action to pursue all~~
7 ~~legal and equitable remedies necessary to ensure full compliance with~~
8 ~~this Chapter against any other permittee, including but not limited to~~
9 ~~injunctive relief.~~

10 A first violation of any of the provisions of this Chapter
11 constitutes a civil infraction punishable by up to a \$300 fine per
12 day/occurrence. Any subsequent violation of any provision of this Chapter
13 shall be punishable by up to a \$500 fine per day/occurrence.

14 **Sec. 156.112 Severability.**

15 If any portion of this Chapter is determined to be invalid for any
16 reason by a final nonappealable order of any court of competent
17 jurisdiction, then it shall be severed from this act. All other
18 provisions of this act shall remain in full force and effect.

19 **Section 5. Repealing Section 656.726 (Nonconforming game promotions**
20 **or sweepstakes utilizing electronic equipment and nonconforming drawings**
21 **by chance conducted in connection with the sale of a consumer product or**
22 **service utilizing electronic equipment.), Title XVII (Land Use),**
23 **Ordinance Code, Chapter 656, (Zoning Code).** Title XVII (Land Use),
24 Chapter 656 (Zoning Code), Section 656.726 (Nonconforming game promotions
25 or sweepstakes utilizing electronic equipment and nonconforming drawings
26 by chance conducted in connection with the sale of a consumer product or
27 service utilizing electronic equipment.), *Ordinance Code*, his hereby
28 repealed in its entirety. A copy of the repealed Section 656.726 is
29 attached hereto as **Exhibit 1.**

30 **Section 6. Repealing Title VI (Businesses, Trades and Occupations),**
31 **Chapter 250, (Prohibition of Simulated Gambling Devices), Ordinance Code.**

1 Title VI (Businesses, Trades and Occupations), Chapter 250 (Prohibition
2 of Simulated Gambling Devices), Sections 250.1301 through 250,.1309,
3 inclusive, *Ordinance Code*, is hereby repealed in its entirety. A copy of
4 the repealed Chapter 250 is attached hereto as **Exhibit 2**.

5 **Section 7. Chapter 656 (Zoning Code), *Ordinance Code*, amended.**

6 Chapter 656 (Zoning Code) *Ordinance Code*, is amended to create a new
7 section 656.133 to read as follows:

8 **Chapter 656**

9 * * *

10 **Sec. 656.133 Waivers for Minimum Distance Requirements for Liquor**
11 **License Locations; Minimum Street Frontage Requirements; Signs; Minimum**
12 **Distance Requirements for Medical Marijuana Dispensing Facilities;**
13 **Downtown Properties; Adult Arcade Amusement Center.**

14 a) *Waivers for minimum distance requirements for liquor license*
15 *locations and adult arcade amusement centers; waiver criteria.*
16 Applications for minimum distance requirements for liquor license
17 locations shall be considered by the Commission in accordance with the
18 notice and public hearing requirements for zoning exceptions set forth in
19 Section 656.131, *Ordinance Code*. Applications for waivers shall be in
20 writing on the form prescribed by the Commission and filed with the
21 Department together with the required number of copies and all required
22 attachments. Upon receipt of the application, the Zoning Administrator
23 shall determine whether the application is complete within five working
24 days. If it is determined that the application is not complete, written
25 notice shall be provided to the applicant specifying the deficiencies.
26 The Zoning Administrator shall take no further action on the application
27 until the deficiencies are remedied. When the application is determined
28 to be complete, all fees must be paid as specified in Section 656.147,
29 *Ordinance Code*. The waiver for minimum distance requirements from a church
30 or school for a liquor license location may be granted for liquor licenses
31 and shall be granted for adult arcade amusement centers, if there exist

1 the Community/General Commercial Category depicted on the Future Land Use
2 Maps of the Comprehensive Plan.

3 A. Primary zoning districts. The primary zoning districts shall include
4 the following:

5 * * *

6 IV. Commercial Community/General-1 (CCG-1) District

7 * * *

8 (c) Permissible uses by exception

9 * * *

10 (23) Adult arcade amusement centers (as defined in Section 155.104).

11 * * *

12 V. Commercial Community/General-2 (CCG-2) District

13 * * *

14 (c) Permissible uses by exception

15 * * *

16 (16) Adult arcade amusement centers (as defined in Section 155.104).

17 * * *

18 **PART 16. Definitions**

19 **Sec. 656.1601 - Definitions**

20 For the purposes of this Chapter, Zoning Code, the follow terms, phrases,
21 words, and their derivations, as listed in alphabetical order herein,
22 shall have the meaning contained below, or as referenced within specific
23 Sections.

24 * * *

25 Adult Arcade Amusement Center (AAAC) shall mean a business (1) that
26 operates adult arcade amusement machines, (2) that is a minimum of 6,000
27 square feet of conditioned space and (3) that is licensed under this
28 Chapter.

29 * * *

30 **Part 17. ADULT ARCADE AMUSEMENT CENTER (AS DEFINED IN SECTION 155.104)**

31 **Sec. 656.1701 - General**

1 No structure, establishment or premises shall be occupied, used or
2 maintained for the purpose of an adult arcade amusement center except in
3 conformity with this Part.

4 **Sec. 656.1702 - Definitions**

- 5 (a) Adult arcade amusement center shall be as defined in Section
6 155.104
- 7 (b) Church means a building used principally as a place wherein
8 persons regularly assemble for religious worship, including
9 sanctuaries, chapels and cathedrals and on-site buildings
10 adjacent thereto, such as parsonages, friaries, convents,
11 fellowship halls, Sunday schools and rectories, but not
12 including day care centers, community recreation facilities,
13 and private and/or secondary educational facilities
- 14 (c) School means a private or public educational institution
15 offering students an academic curriculum including elementary
16 schools, high schools, colleges and universities

17 **Sec. 656.1703 - Distance limitations**

18 Except as provided in other Sections, the distance limitations for adult
19 arcade amusement centers shall be as follows:

- 20 (a) There shall be not less than 500 feet from an established school
21 facility or church building or an existing adult arcade
22 amusement center
- 23 (b) These distance limitations shall not apply to a church or school
24 located in a CN, CCG-1 or CCG-2 zoned district if the church
25 or school is on a parcel of land with another principal use

26 **Sec. 656.1704 - Measurement of distances**

27 With respect to the distance between a location for which an adult arcade
28 amusement center is proposed and an established church land, school
29 building or adult arcade amusement center, the distance shall be measured
30 by following a straight line from the nearest point of the building or
31 portion of the building used as part of the proposed adult arcade

1 amusement center to the nearest point of the building used as part of the
2 church, school facilities, or adult arcade amusement center.

3 **Section 12. Severability.** It is the specific intent of the
4 Council that in the event that any portion of this ordinance, is declared
5 invalid, unenforceable, unconstitutional or void, or is permanently
6 enjoined, or if the existence of any provision of this ordinance would
7 result in any other portion of any chapter of the *Ordinance Code* being
8 held to be invalid, unenforceable, unconstitutional or void, and the court
9 does not sever such invalid portion of this section, then the invalid
10 portion of this ordinance is repealed and invalid. It is the specific
11 intent that the invalidity of any portion of this ordinance shall not
12 affect any other section, subsection, paragraph, subparagraph, sentence,
13 phrase, clause or word of the Ordinance Code.

14 **Section 13. Effective Date.** This Ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective without
16 the Mayor's signature.

17
18 Form Approved:

19
20 _____ /s/ Paige H. Johnston for Trisha D. Bowles

21 Office of General Counsel

22 Legislation Prepared by: Garrett Dennis

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