

1 Introduced by Council Member DeFoor:  
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4 **ORDINANCE 2022-730-W**

5 AN ORDINANCE AMENDING TITLE VI (BUSINESS TRADES  
6 AND ORGANIZATIONS), CHAPTER 250 (MISCELLANEOUS  
7 BUSINESS REGULATIONS), PART 13 (PROHIBITION OF  
8 SIMULATED GAMBLING DEVICES); AMENDING THE TITLE  
9 OF PART 13; REVISING SECTIONS 250.1301 THROUGH  
10 SECTIONS 250.1309; ADDING A DEFINITION FOR  
11 "CASINO GAMBLING", EXPANDING THE AREA OF  
12 ENFORCEMENT UNLESS EXCLUDED; ADDING  
13 PROHIBITIONS; ADDING EXEMPTIONS; PROVIDING FOR  
14 ENFORCEMENT; PROVIDING AMENDMENT RESTRICTIONS;  
15 INCLUDING SEVERABILITY AND CODIFICATION  
16 LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.  
17

18 **WHEREAS**, Florida voters approved a constitutional amendment  
19 requiring citizen initiatives to legalize gaming and gambling in  
20 Florida's communities; and

21 **WHEREAS**, gaming and gambling, through simulated gambling  
22 establishments or casinos, are not presently lawful in the City; and

23 **WHEREAS**, in 2019-209-E and 2019-644-E, the Council declared the  
24 use, operation or possession of simulated gambling devices is a public  
25 nuisance and required the operation of all simulated gambling  
26 establishments to cease; and

27 **WHEREAS**, the presence of lawful casinos and lawful simulated  
28 gambling facilities in other jurisdictions may deceive many  
29 Jacksonville residents, including the elderly, the economically  
30 disadvantaged, the uneducated, and the unsuspecting into believing  
31 such activities are legal and lawfully permitted; and

1           **WHEREAS**, Jacksonville and the "First Coast" receive a number of  
2 tourists and visitors to the area each year and the numbers have been  
3 increasing - February and March of 2022 saw more public lodging room  
4 revenue than when the area hosted the 2005 Super Bowl, and March of  
5 2022 was the best month in Duval tourism history; and

6           **WHEREAS**, tourists and visitors may also be deceived into  
7 thinking legal gambling is an entertainment option in Duval County;  
8 and

9           **WHEREAS**, the Council finds that simulated gambling devices and  
10 casinos are, therefore, inherently deceptive; and

11           **WHEREAS**, due to the inherently deceptive nature of simulated  
12 gambling devices and casino gaming, establishments that utilize  
13 simulated gambling devices or casino gaming are averse to the quality  
14 of life, tone of commerce and total community environment in the City  
15 and the First Coast community; and

16           **WHEREAS**, the Jacksonville Sheriff's office has received at least  
17 49 complaints about gambling activities in the city since January 1,  
18 2022; and

19           **WHEREAS**, the Jacksonville Sheriff's office has received  
20 information that numerous crimes are occurring at gambling  
21 establishments but victims are unwilling to report the crime based  
22 on the illegality of the establishment; and

23           **WHEREAS**, in one reported and investigated crime, a gambling  
24 establishment was burglarized by armed persons who fired at least one  
25 shot at an employee; and

26           **WHEREAS**, the Council finds that a correlation exists between  
27 establishments that utilize gambling and simulated gambling devices  
28 and crime or disturbances of the peace and good order of the community  
29 and those activities are hazardous to the public health, safety and  
30 general welfare of the citizens of Jacksonville and constitutes a  
31 public nuisance; and



1 This includes, but is not limited to, any house banking game,  
2 including but not limited to card games such as baccarat, chemin de  
3 fer, blackjack (21), and pai gow (if played as house banking games);  
4 any player-banked game that simulates a house banking game, such as  
5 California black jack; casino games such as roulette, craps, and  
6 keno; any slot machines as defined in 15 U.S.C. s. 1171(a)(1); and  
7 any other game not authorized by Article X, section 15, Florida  
8 Constitution, whether or not defined as a slot machine, in which  
9 outcomes are determined by random number generator or are similarly  
10 assigned randomly, such as instant or historical racing. As used  
11 herein, "casino gambling" includes any electronic gambling devices,  
12 simulated gambling devices, video lottery devices, internet  
13 sweepstakes devices, and any other form of electronic or  
14 electromechanical facsimiles of any game of chance, slot machine, or  
15 casino-style game, regardless of how such devices are defined under  
16 IGRA. As used herein, "casino gambling" does not include pari-mutuel  
17 wagering regulated by the state including but not limited to horse  
18 racing, card rooms, or jai alai exhibitions. For purposes of this  
19 section, "gambling" and "gaming" are synonymous.

20 **Sec. 250.1303 - Area of enforcement.**

21 The Council is acting herein as the governing body for the City  
22 of Jacksonville and Duval County, and this Part shall be effective  
23 within the boundaries of the entire General Services District, ~~less~~  
24 unless specifically and expressly excluded by ordinances approved in  
25 Urban Services Districts 2, 3, 4 ~~and~~ or 5.

26 **Sec. 250.1304. - Intent.**

27 The Council's intent in adopting this Part is to broadly prohibit  
28 (a)the possession or use of simulated gambling devices not authorized  
29 for legal use under Florida law, including any related activity or  
30 behavior which can be reasonably construed to be the use of simulated  
31 gambling devices and (b)casino gambling. Further, the Council in

1 prohibiting simulated gambling devices and casino gambling in no way  
2 intends to locally approve the use of actual slot machines, other  
3 forms of casino gambling, or other types of gambling devices,  
4 simulated or otherwise. In addition, this prohibition is aimed  
5 directly at (i) devices that simulate gambling activity, regardless  
6 of whether the devices or the simulations in and of themselves can  
7 be said to constitute gambling as that term may be defined elsewhere,  
8 and (ii) casino gambling.

9 **Sec. 250.1305. - Prohibition of simulated gambling devices and**  
10 **casino gambling.**

11 It is unlawful for any person or entity

12 (a) to manage, supervise, maintain, provide, produce, possess or  
13 use one or multiple simulated gambling devices for  
14 commercial, promotional or pecuniary gain or purpose. Each  
15 individual act to manage, supervise, maintain, provide,  
16 produce, possess or use a simulated gambling device  
17 constitutes a separate violation of this section-;

18 (b) to manage, supervise, maintain, provide, produce, play or  
19 engage in casino gambling, to wit: any game of

20 (1) cards not regulated by peri-mutuel wagering  
21 regulations,

22 (2) keno,

23 (3) roulette,

24 (4) faro, or

25 (5) other game of skill or chance,

26 at any place, by any device, whatsoever, for money or other  
27 thing of value. An establishment in which gambling occurs is  
28 a casino.

29 **Sec. 250.1306. - Exemptions.**

30 This part does not prohibit:

- 1 (a) ~~This Part does not prohibit~~ an individual's personal,  
2 recreational, and non-commercial ownership, possession,  
3 play, operation or use of a device which could be construed  
4 to be a simulated gambling device;
- 5 (b) ~~This Part does not prohibit~~ the ownership, possession,  
6 play, operation or use of any device expressly permitted  
7 by F.S. § 546.10, the "Families Amusement Games Act," or  
8 other provision of the Florida Statutes and not otherwise  
9 prohibited by the Florida Constitution, except that devices  
10 permitted by Article X, Section 23 of the Florida  
11 Constitution and F.S. Ch. 551, in Broward and Miami-Dade  
12 County only are not permitted by this Part;
- 13 (c) ~~This Part does not prohibit~~ a religious or charitable  
14 organization from conducting a fund raising activity  
15 involving gaming under F.S. § 849.0935, provided the  
16 religious or charitable organization does not conduct the  
17 activity more than twice in one calendar year for no more  
18 than six hours per fund raising activity, the organization  
19 provides advance written notice to the Sheriff of the date,  
20 time, place, and nature of such activity and who will be  
21 conducting it, and the activity is not otherwise unlawful;
- 22 (d) the lottery as regulated under F.S. Ch. 24;
- 23 (e) Penny-ante games under F.S. § 849.085;
- 24 (f) Game promotions in connection with the sale of consumer  
25 products or services pursuant to F.S. § 849.094; or
- 26 (g) the ownership, possession, play, operation or use of games  
27 defined as Pari-mutuel wagering as regulated under F.S.  
28 Ch. 550 or Ch. 849.

29 \* \* \*

30 **Sec. 250.1309. - Enforcement; civil remedies.**

1 (a) The enforcement of the requirements of this Part are  
2 authorized concurrently to the applicable jurisdiction's  
3 Building or Zoning Inspection Division official(s), the  
4 designated Municipal Code Compliance Division official(s)  
5 of the applicable jurisdiction, the Fire Chief or Fire  
6 Marshal for the jurisdiction, and the county Sheriff's  
7 office, the jurisdictional Police Department, or other  
8 applicable law enforcement official, ~~shall have concurrent~~  
9 ~~jurisdiction to enforce the requirements of this Part~~ as  
10 follows:

11 (1) By the Municipal Code Enforcement Board or Special  
12 Master pursuant to the authority granted by F.S. Ch.  
13 162, Part I~~7~~; ~~and~~ Ch. 91, Ordinance Code, or other  
14 jurisdictional board enforcement authority, however,  
15 in no instance shall a civil penalty less than \$250  
16 per violation per day of violation be imposed;

17 (2) By citation for civil penalties pursuant to the  
18 authority granted by F.S. Ch. 162, Part II; ~~and~~ Ch.  
19 609, Ordinance Code, or other jurisdictional law,  
20 however, in no instance shall a civil penalty less  
21 than \$250 per violation per day of violation be  
22 imposed;

23 \* \* \*

24 (b) Upon notice from any agency authorized to enforce this  
25 Part, occupancy or operation of any structure or property  
26 where any simulated gambling device is being used or  
27 operated in violation of this Part, or where operating or  
28 permitting casino gambling, shall immediately cease. Such  
29 notice shall be in writing and shall be given to the owner  
30 of the property or to his or her agent or to the person  
31 operating any establishment where casino gambling or any

1 simulated gambling device is being used or operated in  
2 violation of this Part. Failure to comply with the terms  
3 and conditions of a cease and desist order issued pursuant  
4 to this Part shall constitute an additional violation of  
5 this Part. Cease and desist orders may be lifted by the  
6 issuing agency upon demonstration that all casino gambling  
7 and simulated gambling devices have been removed and all  
8 applicable civil penalties have been paid.

9 **Sec. 250.1310 - Amendments**

10 Amendments to this section 250, Part 13 shall require a four-  
11 fifths (4/5ths) vote of the full City Council, or fifteen (15)  
12 members, whichever is greater.

13 **Section 3. Severability.** It is the specific intent of the  
14 Council that in the event that any portion of this ordinance, is  
15 declared invalid, unenforceable, unconstitutional or void, or is  
16 permanently enjoined, or if the existence of any provision of this  
17 ordinance would result in any other portion of any chapter of the  
18 *Ordinance Code* being held to be invalid, unenforceable,  
19 unconstitutional or void, and the court does not sever such invalid  
20 portion of this section, then the invalid portion of this ordinance  
21 is repealed and invalid. It is the specific intent that the  
22 invalidity of any portion of this ordinance shall not affect any  
23 other section, subsection, paragraph, subparagraph, sentence, phrase,  
24 clause or word of the Ordinance Code.

25 **Section 4. Codification Instructions.** The Codifier and the  
26 Office of General Counsel are authorized to make all chapter and  
27 division "table of contents" consistent with the changes set forth  
28 herein. Such editorial changes and any other necessary to make the  
29 Ordinance Code consistent with the intent of this legislation are  
30 approved and directed herein, and the changes to the Ordinance Code  
31 shall be made forthwith and when inconsistencies are discovered.



1           **Section 5.           Effective Date.** This Ordinance shall become  
2 effective upon signature by the Mayor or upon becoming effective  
3 without the Mayor's signature.

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5  
6 Form Approved

7  
8 /s/ Trisha D. Bowles

9 Trisha D. Bowles

10 Office of General Counsel

11 Legislation Prepared by: Trisha D. Bowles

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