

Summary of Ordinance

The purpose of this Ordinance is to amend Lake County Code, Appendix E, Land Development Regulations (“LDR”), in order to place a moratorium on simulated gambling. Specifically, this Ordinance:

1. Amends Chapter II, entitled *Definitions*, to add definitions for *Simulated Gambling Device* and *Sweepstakes*, and
2. Amends Chapter III, Section 3.15.00, to prohibit facilities housing Simulated Gambling Devices while the moratorium is in effect.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or

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ORDINANCE 2021-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER II, ENTITLED *DEFINITIONS*; AMENDING SECTION 3.15.00, TO PLACE A MORATORIUM ON SIMULATED GAMBLING FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lake County, Florida, desires to amend Lake County Code, Appendix E, Land Development Regulations, to impose a moratorium on simulated gambling facilities; and

WHEREAS, commercial electronic simulated gambling is deceptive in nature and has adverse secondary effects of disturbing the peace and good order of communities and are hazardous to the public health safety and general welfare of the citizens of Lake County; and

WHEREAS, the Lake County Sheriff’s Office has responded to reports of criminal activity including most prevalently, breaking and entering, robbery, narcotics, and theft at known simulated gambling facilities; and

WHEREAS, pursuant to Article VIII, Section 1(g), Florida Constitution and Section 125.01, Florida Statutes, the Lake County Board of County Commissioners may enact legislation in the interest of the public health, safety, and general welfare of the citizens and inhabitants of Lake County; and

WHEREAS, the Lake County Board of County Commissioners determines that imposing a moratorium on simulated gambling facilities is in the best interests of the citizens of Lake County, Florida.

1 **NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lake
2 County, Florida, as follows:

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4 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
5 herein.

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7 **Section 2. Amendment.** Chapter II, Lake County Code, Appendix E, Land
8 Development Regulations, entitled *Definitions*, shall be amended to include the following. All
9 other definitions contained in Chapter II, not specifically referenced herein as being amended, shall
10 remain the same.

11
12 **Chapter II – Definitions.**

13 **Simulated Gambling Device.** Any device that, upon connection with an object, is available
14 to play or operate a computer simulation of any game, where the play or operation of the device
15 may deliver or entitle the person or persons playing or operating the device to a payoff directly
16 or indirectly from the owner or operator of the device or that person's designee. The following
17 rules of construction apply to this definition of "simulated gambling device":

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19 (1) The term "device" means any mechanical or electrical contrivance, computer, terminal,
20 video or other equipment that may or may not be capable of downloading games from a
21 central server system, machine, computer or other device or equipment. The term "device"
22 also includes any associated equipment necessary to conduct the operation of the device.

23
24 (2) The term "upon connection with" means insertion, swiping, passing in range, or any
25 other technical means of physically or electromagnetically connecting an object to a device,
26 including by the manual input by any person of characters, numbers, or any combination
27 thereof, or other code for the purpose of accessing or activating a device, or any other
28 mechanism or method by which the object provides access to the device.

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30 (3) The term "object" means a coin, bill, ticket, token, card, characters, numbers, or any
31 combination thereof, other code, or any other tangible or intangible access mechanism or
32 method, obtained directly or indirectly through payment of consideration, or obtained as a
33 bonus or supplement to another transaction involving the payment of consideration.

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35 (4) The terms "play or operate" or "play or operation" includes the use of skill, the
36 application of the element of chance, or both.

37
38 (5) The term "computer simulation" includes simulations by means of a computer,
39 computer system, video display, video system or any other form of electronic video
40 presentation.

41
42 (6) The term "game" includes slot machines, poker, bingo, craps, keno, any other type of
43 game ordinarily played in a casino, a game involving the display of the results of a raffle,
44 sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game
45 associated with gambling or which could be associated with gambling, but the term "game"
46 does not necessarily imply gambling as that term may be defined elsewhere.

1 (7) The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or
2 electronic credits to be exchanged for cash or to receive merchandise or anything of value
3 whatsoever, whether made automatically from the machine or manually.

4
5 (8) The use of the word "gambling" in the term "simulated gambling device" is for
6 convenience of reference only. The term "simulated gambling device" as used in this
7 Article is defined exclusively by this subsection and does not incorporate or imply any
8 other legal definition or requirement applicable to gambling that may be found elsewhere.
9

10 Sweepstakes. Establishments housing simulated gaming devices defined as any device that,
11 upon connection with an object, is available to play or operate a computer simulation of any
12 game, and which may deliver or entitle the person or persons playing or operating the device
13 to a payoff.

14
15 **Section 3. Amendment.** Section 3.15.00, Lake County Code, Appendix E, Land
16 Development Regulations, entitled *Medical Marijuana Treatment Center Dispensing Facilities*, is
17 hereby amended as follows:

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19 **3.15.00 Medical Marijuana Treatment Center Dispensing Facilities Prohibited**
20 **Uses.**

21
22 **3.15.01 Medical Marijuana Treatment Center Dispensing Facilities.** Medical
23 marijuana Treatment Center Dispensing Facilities are prohibited from being located in or
24 operated in the unincorporated boundaries of Lake County.

25
26 **3.15.02 Simulated Gambling.** Beginning on February 24, 2021, a moratorium shall
27 exist on Sweepstakes, or other establishments that house simulated gambling devices within
28 the unincorporated boundaries of Lake County. The moratorium shall expire upon the earlier
29 of the following:

30 (a) August 27, 2021; or

31 (b) The effective date of an ordinance adopted by the Board of County
32 Commissioners to either prohibit or regulate simulated gambling facilities; or

33 (c) At such time as the Board of County Commissioners votes to repeal this
34 moratorium.

35
36 **Section 4. Inclusion in Code.** It is the intent of the Board of County Commissioners
37 that the provisions of this Ordinance shall become and be made a part of the Lake County Code
38 and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance”
39 may be changed to “section,” “article,” or such other appropriate word or phrase in order to
40 accomplish such intentions.

41
42 **Section 5. Severability.** If any section, sentence, clause, phrase or word of this
43 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such

1 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be
2 construed to have been the Commissioners’ intent to pass this Ordinance without such
3 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the
4 exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been
5 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any
6 person, groups of persons, property, kind of property, circumstances or set of circumstances, such
7 holding shall not affect the applicability thereof to any other person, property or circumstances.
8

9 **Section 6. Filing with the Department of State.** The Clerk shall be and is hereby
10 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
11 State of Florida in accordance with Section 125.66, Florida Statutes.
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13 **Section 7. Effective Date.** This ordinance shall become effective as provided for by
14 law.
15

16 ENACTED this day of _____ day of _____, 2021.

17 FILED with the Secretary of State the ____ day of _____, 2021.
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21 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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25 _____
26 Gary Cooney, Clerk of the
27 Board of County Commissioners of
28 Lake County, Florida
29

30 _____
31 Sean M. Parks, Chairman

32 This ____ day of _____ 2021.
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35 Approved as to form and legality:
36 _____
Melanie Marsh, County Attorney