ORDINANCE

12-23
October 30, 2012

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

Re: Ordinance #12-23
   Amending Hillsborough County Simulated Gambling Device Ordinance 11-22

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #12-23 which was adopted by the Board of County Commissioners on October 17, 2012. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of October 19, 2012.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

[Signature]

Kimberly Richards,
Associate Director, BOCC Records/VAB

md
Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
    Debra A. Cole, Hillsborough County Sheriff’s Office
    Aracelis Maldonado, Library Services
    Paul D. Johnston, Senior Assistant County Attorney
    Shelia Alfonso, County Attorney’s Office
    Jack Brooks, Director, CCC Accounting
    Nancy Milam, County Attorney’s Office
    Sharon Sweet, BOCC Records
Subject:
Hold a Public Hearing to consider enactment of an ordinance amending the Hillsborough County Simulated Gambling Device Ordinance 11-22.

Department Name: County Attorney's Office
Contact Person: Paul D. Johnston
Contact Phone: 272-5670

Sign-Off Approvals:

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Odom</td>
<td>10/04/2012</td>
</tr>
<tr>
<td>Tom Fesler</td>
<td>10/05/2012</td>
</tr>
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Staff's Recommended Board Motion:
Enact the attached ordinance amending the Simulated Gambling Device Ordinance 11-22 as presented. This ordinance amendment redefines the term "upon connection with" in order to counter the attempts of some businesses to escape the intent of the original ordinance. This ordinance amendment will also remove criminal enforcement and penalties to bring Hillsborough County's ordinance in line with Seminole County's. Enforcement of the ordinance will be conducted through the County's code enforcement department.

Enactment of this ordinance will have no impact on County finances.

Financial Impact Statement:
Enactment of this ordinance will have no impact on County finances.

Background:
Hillsborough County Board of County Commissioners enacted Ordinance 11-22 prohibiting the use of simulated gambling devices in the unincorporated areas of Hillsborough County. Since its enactment and in an effort to get around the intent of the ordinance, some businesses have changed the manner in which the user accesses, or connects with, such devices. Staff has determined that the term "upon connection with" should be amended to close this loop-hole in the ordinance.
Staff, through consultation with the State Attorney and Sheriff Offices, has also determined that the criminal enforcement and penalties in 11-22 should be removed, allowing all enforcement to be conducted by the County's code enforcement department. Removal of the criminal enforcement and penalties will bring 11-22 in line with the Seminole County ordinance which has already survived preliminary challenges in federal court.

The BOCC, at its regular meeting of September 19, 2012, directed the County Attorney's Office to draft an ordinance amending 11-22 to address the above matters. At its regular meeting of October 3, 2012, the Board directed the County Attorney's Office to schedule and advertise a public hearing for October 17, 2012 to consider enactment of this ordinance. Staff has properly advertised for the public hearing and has placed a copy of the ordinance with the BOCC Clerk for public review.

List Attachments:
Proposed Ordinance Amending the Simulated Gambling Device Ordinance 11-22.
ORDINANCE NUMBER: 12–23

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING HILLSBOROUGH COUNTY ORDINANCE 11-22;
PROVIDING FOR AMENDMENT OF THE TERMS “UPON
CONNECTION WITH” AND “OBJECT”; PROVIDING FOR THE
DELETION OF CRIMINAL ENFORCEMENT AND MISDEMEANOR
PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR
FILING OF THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, on December 7, 2011, the Hillsborough County Board of County
Commissioners enacted Hillsborough County Ordinance 11-22 to prohibit the use of simulated
gambling devices in the unincorporated areas of Hillsborough County; and

WHEREAS, after the enactment of ordinance 11-22 some businesses, in an effort to
circumvent the intent of the ordinance, altered the manner by which a user accessed or connected
with a simulated gambling device; and

WHEREAS, the BOCC has determined that ordinance 11-22 should be amended to address
these attempts to circumvent the ordinance; and

WHEREAS, the BOCC has determined that it is in the best interest of the County to provide
enforcement of ordinance 11-22, as amended, through the administrative code enforcement process,
eliminates criminal enforcement and penalties from the ordinance; and

WHEREAS, implementation of this ordinance amending ordinance 11-22 is in the best
interest of the citizens of Hillsborough County.

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

SECTION 1. The aforementioned recitations are incorporated herein by reference.

SECTION 2. Section 3 of Hillsborough County Ordinance 11-22 is amended to read:
SECTION 3: DEFINITIONS

(a) **Person:** means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer, manager, or employee of an association, partnership, joint venture, corporation, or other organization.

(b) **Simulated gambling device:** means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff. The following rules of construction apply to this definition of “simulated gambling device”:

1. The term “device” means any mechanical or electrical contrivance, computer, terminal, video, or other equipment that may or may not be capable of downloading games from a central server system, machine, computer, or other device or equipment.

2. The term “upon connection with” means insertion, swiping, passing in range, any other technical means physically or electromagnetically connecting an object to a device, or by the inputting of a set of numbers or other code received directly or indirectly from an employee or agent of the business for the purpose of accessing or activating a device.

3. The term “object” means a coin, bill, ticket, token, card, set of numbers or other code, or similar object, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.

4. The terms “play or operate” or “play or operation” includes the use of skill, the application of the element of chance, or both.
(5) The term “computer simulation” includes simulations by means of a computer, computer system, video display, video system, or any other form of electronic video presentation.

(6) The term “game” includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling or which could be associated with gambling, but the term “game” does not necessarily imply that actual gambling is involved.

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

(8) The use of the word “gambling” in the term “simulated gambling device” is for convenience of reference only. The term “simulated gambling device” as used in this Ordinance is defined exclusively by this subsection and does not incorporate or imply any legal definition or requirement applicable to gambling that may be found elsewhere.

(c) **Slot Machine:** means any electrical, mechanical, or electromechanical device which is adapted for use such that by the insertion of coin(s), token(s), or other method of payment the device will allow an operator to play or operate the machine such that the device displays pictures, icons, or other images which may, depending upon the displayed combination of said pictures, icons, or other images, allow the operator to obtain an item or items of value, including but not limited to money, objects, or coupons. Such devices shall be deemed slot machines regardless of whether the operation of the device is affected by chance, by the application of skill, or by any combination thereof. Examples of slot machines include but are not limited to the games known as “Fruit Paradise”, “New Cherry”, “Fruit Bonus”, “Triple Jack”,,
“Magical Odds”, “Mystery J&B”, “Klondike”, and “Reel of Fortune”. Games such as pinball, mechanical grab machines, shooting games, and other similar games are not slot machines.

SECTION 3. Section 9 of Hillsborough County Ordinance 11-22 is amended to read:

SECTION 9: ENFORCEMENT, PENALTIES, AND INJUNCTIVE RELIEF

The County’s code enforcement officers, law enforcement, or any other person authorized to enforce county ordinances in Hillsborough County may enforce the provisions of this ordinance. Enforcement of this ordinance shall be by code enforcement action pursuant to Hillsborough County Ordinance No. 10-27, as amended. However, any enforcement action or legal remedy available under controlling state law may be pursued in order to carry out the provisions of this ordinance. Each simulated gambling device, possession or use thereof, constitutes an individual offense for the purpose of Hillsborough County Ordinance 10-27, as amended. Nothing contained herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including but not limited to:

(a) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;

(b) Initiating an action to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this Ordinance; or

(c) Utilizing any other action or enforcement method allowable by law.

SECTION 4: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.
SECTION 5: FILING OF ORDINANCE AND EFFECTIVE DATE

In accordance with the provisions of §125.66, Florida Statutes, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall take effect upon filing with the Florida Department of State.

STATE OF FLORIDA )
COUNTY OF HILLSBOROUGH )

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting on the 17th day of October, 2012, by a vote of 7 voting yes and 0 voting no, as the same appears in record in Minute Book 437 of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this 18th day of October, 2012.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: [Signature]
Deputy Clerk

Approved By County Attorney
As To Form and Legal Sufficiency:

By: [Signature]
Sr. Assistant County Attorney
October 22, 2012

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601-1110

Attention: Ms. Kimberly Richards, Associate Director, BOCC Records/VAB

Dear Ms. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated October 18, 2012 and certified copies of Hillsborough County Ordinance Nos. 12-21, 12-22, and 12-23, which were filed in this office on October 19, 2012.

Sincerely,

Liz Cloud
Program Administrator

2012:oct 30 ph12:13

RECEIVED

THE BOARD (A)
NOTICE OF INTENT TO CONSIDER COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Board of County Commissioners of Hillsborough County, Florida, intends to consider for the purpose of enactment the following ordinance at a meeting on October 17, 2012 at 2:00 p.m. in the Board of County Commissioners Board Room, County Center, Second Floor, 601 East Kennedy Boulevard, Tampa, Florida:

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA AMENDING HILLSBOROUGH COUNTY ORDINANCE 11-27; PROVIDING FOR AMENDMENT OF THE TERMS "UPON CONNECTION WITH" AND "OBJECT" PROVIDED FOR THE DELETION OF CRIMINAL ENFORCEMENT AND MISDEMEANOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE.

ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED. ALL INTERESTED PARTIES MAY APPEAR AT THE ABOVE REFERENCED HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE, A COPY OF THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT THE CLERK'S OFFICE ON THE 17TH FLOOR OF THE COUNTY CENTER AT 601 E. KENNEDY BLVD., TAMPA, FL 33602.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS, AND ALSO THOSE SEEKING AN INTERPRETER, SHOULD CONTACT THE CITIZENS' ACTION CENTER AT TELEPHONE NUMBER (813) 272-5662 NOT LATER THAN 48 HOURS PRIOR TO THE PROCEEDINGS.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
Hillsborough County, Florida
#9348

10/6/2012

The Tampa Tribune
Published Daily
Tampa, Hillsborough County, Florida

State of Florida
County of Hillsborough

Before the undersigned authority personally appeared C. Offner, who on oath says that he is the Advertiser Accounting Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE Tampa Tribune

Legal Notices

was published in said newspaper in the issues of

10/06/2012

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, this advertisement for publication in the said newspaper.

C.Offner

Sworn to and subscribed by me, this 3 day of OT, A.D. 2012

Personally Known or Produced Identification
Type of Identification Produced

Clerk

RECEIVED

Order # 0003218967

1013607 -- HILLSBOROUGH COUNTY ATTORNEY
## Legal Announcements

### Fictitious Names

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<th>Name</th>
<th>Address</th>
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<tr>
<td>ACKERMAN, John</td>
<td>1234 Main St., Anytown</td>
<td>01/01/20XX</td>
<td>Active</td>
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<tr>
<td>BROWN, Jane</td>
<td>5678 Other Rd., Anytown</td>
<td>02/02/20XX</td>
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<tr>
<td>WHITE, John</td>
<td>9087 Even Street, Anytown</td>
<td>03/03/20XX</td>
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### Legal Notices

#### CONDUCT COUNTY OYSTER

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<th>Notice Category</th>
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### Legal Services

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<td>Immigration</td>
<td>Assistance with visas and citizenship applications</td>
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<tr>
<td>Employment</td>
<td>Advice on labor laws and contracts</td>
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<td>Real Estate</td>
<td>Guidance on property purchases and sales</td>
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### Legal Events

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<td>Meeting</td>
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### Legal Administration

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<tr>
<td>Courtroom</td>
<td>Phone: 123-4567</td>
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<tr>
<td>Registrar</td>
<td>Phone: 789-0123</td>
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### Municipal Meetings

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<tr>
<td>City Council</td>
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<td>City Hall</td>
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<tr>
<td>Chamber of Commerce</td>
<td>04/20/20XX</td>
<td>Chamber Location</td>
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### Make Extra Money The Easy Way!

- **Deal**
  - Free Go to TBO with latest, most accurate classifieds.
  - Place your ad for free items priced from $0 to $5,000.
  - Email your ad and image to [tampa@tampatribune.com](mailto:tampa@tampatribune.com)

### Deals and Steals

- **Steal**
  - Get instant savings on local deals and steals.
  - Free Get discounts and offers on your favorite products.

### Notice of Meetings

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### Notice of Administration

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<tr>
<td>Clerk</td>
<td>Phone: 908-7654</td>
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<tr>
<td>Treasurer</td>
<td>Phone: 999-8877</td>
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<tr>
<td>Police</td>
<td>Phone: 555-4433</td>
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### City Events

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<td>Art Walk</td>
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### Additional Resources

- Visit [tampatribune.com/classifieds](http://tampatribune.com/classifieds) for more classifieds and deals.
- Check our [event calendar](http://tampatribune.com/events) for upcoming events.

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*For more information, please visit [tampatribune.com](http://tampatribune.com).*
October 18, 2012

MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #12-23
   Amending Hillsborough County Simulated Gambling Device Ordinance, Ordinance 11-22

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #12-23, adopted by the Board of County Commissioners on October 17, 2012. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

[Signature]
Kimberly Richards,
Associate Director, BOCC Records/VAB

md
Attachment
Federal Express AB# 8010 1235 8109
MEMORANDUM

TO: Midge Dixon, BOCC Records

FROM: Paul D. Johnston, Sr. Assistant County Attorney

SUBJECT: Ordinance - Amendment Ordinance 11-22 - Simulated Gambling Devices

DATE: October 18, 2012

Enclosed please find the above-referenced Ordinances as adopted by the Board of County Commissioners on October 17, 2012.

Please provide copies of the Ordinance as appropriate and provide this office with a copy of the official acknowledgment of receipt.

If you have any questions, please contact me at (813) 272-5673.

PDJ:saa

Enclosures
MEMORANDUM

To: Midge Dixon, BOCC Records

From: Paul D. Johnston, Senior Assistant County Attorney

Re: Draft Ordinance - Amendment Ordinance 11-22 - Simulated Gambling Devices

Date: October 8, 2012

Attached is a draft copy of the above referenced Ordinance. The Notice will be advertised in the Tampa Tribune on October 6, 2012 for the October 17, 2012, public hearing. Please make the documents available for public inspection during regular business hours.

If you have any questions, please call Shelia at 272-5670 x 30152.

Thanks for your help.

PDJ:saa

Attachments