

ORDINANCE 26-36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING REGULATION OF SIMULATED GAMBLING DEVICES; CREATING ARTICLE XI OF CHAPTER 2-21 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING CERTAIN FINDINGS; SETTING FORTH APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION AGAINST THE USE OF SIMULATED GAMBLING DEVICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS WITH STATE LAW; PROVIDING FOR VIOLATION, ENFORCEMENT, PENALTIES, AND REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1, Article VIII of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board of County Commissioners of Manatee County, Florida (Board), has all powers of local self-government to perform county functions and to render services in a manner not inconsistent with general law, and such power may be exercised by the enactment of county ordinances and resolutions; and

WHEREAS, presently throughout Manatee County (County) and the State of Florida, there is a proliferation of establishments that utilize computer or video displays of games, contests, challenges and other electronic simulations that are or are of the type of games generally associated with legalized casino or gambling outlets or that show, or purport to show, the results of raffles, sweepstakes, contests and or business game promotions (hereinafter collectively known as "simulated gambling devices") for commercial or pecuniary gain; and

WHEREAS, except as authorized by Chapters 24, 286, 546, 550, 551, and 849, Florida Statutes, and any other Florida law, gaming and gambling are not presently lawful in the County; and

WHEREAS, the Board finds that establishments that utilize simulated gambling devices can deceive many County residents, including the elderly, economically disadvantaged, uneducated, and unsuspecting individuals into believing such activities are legal and lawfully permitted; and

WHEREAS, the Board finds that simulated gambling devices are deceptive; and

WHEREAS, due to the deceptive nature of simulated gambling devices, establishments that utilize simulated gambling devices are adverse to the quality of life, tone of commerce, and total community environment in the County; and

WHEREAS, the Manatee County Sheriff's Office (MSO) has seen a significant amount of criminal activity, including robberies, assaults, theft, burglaries, and a stabbing at simulated gambling establishments, and that because crimes of this nature that occur at simulated gambling establishments may go unreported to law enforcement the true amount of crime that occurs is greater than is reflected in law enforcement records; and

WHEREAS, between January 1, 2018, and November 30, 2025, MSO has reported 1,526 calls for service at locations associated with the simulated gambling establishments; and

WHEREAS, since January 1, 2018, MSO has conducted search warrants at multiple properties and worked with the Florida Gaming Commission to close at least 10 simulated gambling establishments; and

WHEREAS, the Florida Legislature enacted Chapter 2019-167, Laws of Florida, which, effective October 1, 2019, amending Section 849.01, Florida Statutes, to reduce from third-degree felonies to second degree misdemeanors certain criminal offenses relating to keeping gambling houses, thereby weakening the deterrent effect of laws that previously operated to dissuade persons from committing gambling-related offenses; and

WHEREAS, as of March 10, 2026, MSO believes there are approximately 25 simulated gambling establishments in the County, though the true number may be higher; and

WHEREAS, the County finds that a correlation exists between establishments that utilize simulated gambling devices and crime or disturbances of the peace and good order of the community, and those activities are hazardous to the public health, safety and general welfare of the citizens of the County and constitutes a public nuisance; and

WHEREAS, the Board has determined that the endangerment of both the public and first responders required to respond to this ongoing criminal activity is too significant to allow any public or commercial use of simulated gambling devices to continue; and

WHEREAS, the Board has determined that the continued use of law enforcement and public safety resources to investigate, monitor, and dismantle establishments that serve as a location for ongoing criminal activity in violation of Chapter 849, Florida Statutes, will not result in an appreciable long-term impact on the number of establishments that operate in the County and will divert valuable law enforcement and public safety resources away from the investigation of other criminal activity; and

WHEREAS, the Board finds that the operation of simulated gambling establishments constitutes a public nuisance; and

WHEREAS, the Board finds that the continued operation of simulated gambling establishments creates an immediate and ongoing hazard to the public health, safety, and welfare associated with the continued operation of simulated gambling devices; and

WHEREAS, in accordance with Section 125.66(3), Florida Statutes, a business impact estimate has been prepared and posted; and

WHEREAS, the Board finds that there is a legitimate public purpose in prohibiting simulated gambling devices from being operated in the County.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County Florida that:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted as findings of this Board and are incorporated herein by reference.

Section 1. Creation of Article XI of Chapter 2-21 of the Code of Ordinances. Article XI, Chapter 2-21, Sections 2-21-151 through 2-21-156 of the Manatee County Code of Ordinances (Code) is hereby created as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Codification. Pursuant to Section 125.68(1), Florida Statutes, the publisher of the County's Code is hereby directed codify the Code provisions set forth in Exhibit A, which exhibit contains the full and complete text of all code provisions adopted by this Ordinance. This Ordinance does not amend any existing Code sections. The publisher shall codify only those provisions contained in Exhibit A.

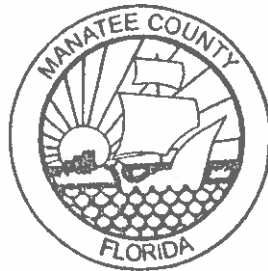
Section 3. Areas Embraced. This Ordinance shall be effective in the unincorporated areas of the County only.

Section 4. Superseding Conflicting Ordinances. Any existing Ordinance or portion thereof which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Ordinance shall, as to such terms or provisions, be deemed as superseded by this Ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption and filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 22nd day of September, 2026.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: *[Signature]*
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: *[Signature]*
Deputy Clerk

EXHIBIT A

Sec. 2-21-151. – Authority; Intent; Purpose; Scope.

1. This article is adopted in the interest of the public health, safety, and general welfare of the citizens, inhabitants, and visitors of Manatee County, pursuant to Chapter 125, Florida Statutes, and Article VIII, Florida Constitution.

2. The intent and purpose of this article is to provide for regulation of establishments that contain simulated gambling devices, decrease the unwanted secondary effects associated with the operation of those establishments, authorize the use of private property for lawful purposes, and deter illegal gambling. To accomplish the foregoing, Manatee County intends to broadly prohibit the possession or use of simulated gambling devices not authorized for legal use under Florida law, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices. In prohibiting simulated gambling devices, Manatee County in no way intends to locally approve the use of actual slot machines, other forms of casino gambling or other types of gambling devices. In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling as that term may be defined elsewhere.

3. This article applies in unincorporated Manatee County only.

4. Notwithstanding anything to the contrary herein, this article shall not apply to any activity authorized pursuant the Family Amusement Games Act, Section 546.10, Florida Statutes, as may be amended from time to time.

5. Pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and the Florida Administrative Code, and devices located therein, are exempt from the provisions of this article.

Sec. 2-21-152. – Definitions.

For the purpose of this article, certain terms shall have the meanings ascribed to them in this article, unless the context clearly indicates otherwise.

1. “Establishment” means any location at which simulated gambling devices are made accessible for use by a person, except those places specifically excluded from this article as set forth in Section 2-21-154.

2. “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 or manager of an association, partnership, joint venture, corporation or other organization.

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

- a) "Computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
- b) "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. The term "device" also includes any associated equipment necessary to conduct the operation of the machinery or device.
- c) "Gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.
- d) "Game" includes slot machines, poker, bingo, craps, blackjack, roulette, keno, "fish," any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, 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 gambling as that term may be defined elsewhere.
- e) "Object" means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
- f) "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.
- g) "Play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
- h) "Upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.
- i) For the purpose of determining the number of simulated gambling devices, each seat, terminal, or other interface at which a separate individual may use the device, shall be counted as a separate and distinct device, regardless of whether the device or any seat, terminal, or other interface is

functional. For example, if a single table has six (6) chairs at which six (6) separate persons can play a game, on a common screen/display or otherwise, it shall be counted as six (6) devices; if a stand-up game has three (3) terminals or interfaces at which three (3) people can use the device, it shall be counted as three (3) devices.

4. "Slot machine" has the same meaning as specified in Chapter 551, Florida Statutes.

Sec. 2-21-153. – Prohibition of simulated gambling devices.

1. It is unlawful for any person to manage, supervise, maintain, provide, produce, possess, or use one (1) or multiple simulated gambling devices for commercial, promotional or pecuniary gain or purpose.

2. Each individual act of managing, supervising, maintaining, providing, producing, possessing, or using a simulated gambling device constitutes a separate violation of this article.

- a) For example, if a person possesses five (5) simulated gambling devices, that person would be subject to a separate penalty for each of the five (5) devices.
- b) For example, if a person possesses two (2) simulated gambling devices that the person sells to another individual, the person will have committed four (4) acts in violation of this article, and would be subject to a separate penalty for possessing each of the two (2) devices and a separate sanction for providing each of the two (2) devices.
- c) For example, if a person employed at an establishment, supervises the establishment, and the establishment has ten (10) simulated gambling devices, that person would be subject to a separate penalty for each of the ten (10) devices.

Sec. 2-21-154. – Exemptions.

1. This article does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.

2. This article does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by Section 546.10, Florida Statutes, or other provision of the Florida Statutes and not otherwise permitted by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this article.

3. This article does not prohibit a religious or charitable organization from

conducting a fund raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one (1) calendar year for no more than six (6) hours per fund raising activity, the organization provides advance written notice to the Manatee County Sheriff's Office of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

4. This article does not apply to pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and the Florida Administrative Code, or to any devices or games therein.

Sec. 2-21-155. – Conflict with state law.

Nothing in this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this article and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

Sec. 2-21-156. – Enforcement; penalties; civil remedies and criminal prosecution.

Manatee County Code Enforcement Officers and the Manatee County Sheriff and his or her designees, as outlined in a written enforcement policy between those agencies, shall have concurrent jurisdiction to investigate and enforce the requirements of this article as follows:

1. By the issuance of a written cease and desist notice/order. Occupancy or operation of any structure or property where any simulated gambling device is being used or operated in violation of this article shall immediately cease upon the issuance of a cease and desist notice/order. Such notice/order shall be in writing and shall be given to the owner of the property or to his or her agent or to the person operating any establishment where any simulated gambling device is being used or operated in violation of this article. Failure to comply with the terms and conditions of a cease and desist notice/order issued pursuant to this article shall constitute an additional violation of this article. A cease and desist notice/order may be lifted by the issuer or his or her supervisor upon demonstration that all simulated gambling devices have been removed and all applicable civil penalties have been fully paid.

2. By the issuance of a civil citation, as provided in chapter 2-7, article III, section 2-7-40 through section 2-7-44 of the Manatee County Code of Ordinances, as may be amended.

3. By an action for injunctive relief through a court of competent jurisdiction. An action for injunctive relief may be brought by the board of county commissioners or the state attorney. If such action is successful, a judgment for reasonable attorney's fees and costs may be awarded by the court.

4. By prosecution as a misdemeanor. A violation of this article that is a civil violation may be reclassified to a misdemeanor of the second degree, punishable by up

to sixty (60) days imprisonment in the county jail and a fine of up to five hundred dollars (\$500.00), if, at the time of the violation:

- a) The violator manages, supervises, maintains, provides, produces, possesses, or uses five (5) or more simulated gambling devices for commercial, promotional, or pecuniary gain or purpose;
- b) The violator has one (1) or more prior convictions for a violation of this article or has been found, on one (1) or more occasions, to have committed a violation of this article. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
- c) The violator has one (1) or more prior convictions for a violation of any provision of Chapter 849, Florida Statutes. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered;
- d) The violator has previously entered in any pretrial intervention program or diversion program for any violation of this article, a substantially similar ordinance of another jurisdiction, or any provision of Chapter 849, Florida Statutes; or
- e) The violator is in violation of a cease-and-desist order issued pursuant to this article at the time the violations occur.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 23, 2026

Angelina Colonnese
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 26-36, which was filed in this office on September 23, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

From: [Municode Ords Admin](#)
To: [Robin Toth](#)
Subject: Re: Manatee County, FL Code of Ordinances - 1981(10428)
Date: Friday, September 25, 2026 7:00:21 AM
Attachments: [image001.png](#)

[NOTICE: This message originated outside of Manatee County Clerk's Office -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

We have received your files.

Thank you and have a nice day.

Ords Administrator
Municodeords@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

svj (she/her/hers)

Production Support Specialist Supplement Department • **CivicPlus**

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Powering and Empowering Local Governments

From: Robin Toth <robin.toth@ManateeClerk.com>
Sent: Wednesday, September 23, 2026 11:17 AM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>; Municode Ords Admin <MunicodeOrds@civicplus.com>
Subject: Manatee County Ordinance 26-36

Good Morning,

Attached is **Manatee County Ordinance 26-36**, adopted in open session by the Manatee County Board of County Commissioners on 9/22/26. The WORD format was unavailable.

Thank you,

Robin Toth

Deputy Clerk, Board Records Department



For Angelina "Angel" Colonnese
Manatee Clerk of the Circuit Court & Comptroller
(941) 749-1800 Ext. 4179
1115 Manatee Ave W, Bradenton, FL 34205
www.ManateeClerk.com

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MEMORANDUM OF UNDERSTANDING

BETWEEN

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY

AND

THE SHERIFF OF MANATEE COUNTY

This Memorandum of Understanding ("MOU"), dated 9/24/2026, 2026, is entered into by and between the Board of County Commissioners of Manatee County, Florida, a political subdivision of the State of Florida ("County"), and the Sheriff of Manatee County ("Sheriff"), pursuant to the authority of Section 162.21, Florida Statutes, and Article XI, Chapter 2-21 of the Manatee County Code of Ordinances regulating simulated gambling devices.

RECITALS

- A. The Board of County Commissioners has adopted Ordinance No. 26-36, Article XI, Chapter 2-21 of the Manatee County Code of Ordinances prohibiting the operation, maintenance, possession, management, supervision, or use of simulated gambling devices for commercial, promotional, or pecuniary gain within the unincorporated areas of Manatee County; and
- B. Section 162.21(2) and (3), Florida Statutes, authorizes law enforcement officers to be designated as code enforcement officers for the purpose of issuing civil citations for violations of county ordinances; and
- C. Article XI, Chapter 2-21 of the Manatee County Code of Ordinances provides that the Sheriff and Manatee County Code Enforcement, pursuant to a written enforcement policy between those agencies, shall have jurisdiction to investigate and enforce the provisions of the ordinance; and
- D. The Parties recognize that investigations involving simulated gambling devices frequently involve circumstances requiring specialized investigative techniques, the potential for criminal violations, undercover operations, search warrants, seizure of evidence, and situations that may present safety concerns for County personnel; and
- E. The Parties further recognize that many violations of the ordinance may also constitute violations of Chapter 849, Florida Statutes, and other criminal laws that fall within the investigative authority of the Sheriff; and
- F. The Parties agree that it is in the best interest of the public that the Sheriff's Office serve as the primary investigative and enforcement agency for alleged violations of the Simulated Gambling Device Ordinance; and
- G. The purpose of this Memorandum of Understanding is to establish the written enforcement policy contemplated by Article XI, Chapter 2-21 of the Manatee County Code of Ordinances.

NOW, THEREFORE, the Parties agree as follows:

1. Sheriff's Office to be Primary Investigator and Enforcement Agency: As between the Sheriff and Manatee County Code Enforcement, the Sheriff shall have primary investigative and enforcement responsibility regarding alleged violations of Article XI, Chapter 2-21 of the Manatee County Code of Ordinances governing simulated gambling devices.

2. Complaint Reporting Procedures

A. Complaints Received by Code Enforcement

When Manatee County Code Enforcement receives a complaint alleging a violation of the Simulated Gambling Device Ordinance, Code Enforcement personnel shall:

- Obtain all available information from the complainant regarding the alleged violation;
- Document the complainant's name (if provided), date received, business name, address, and any other pertinent information;
- Forward the complaint to the Manatee County Sheriff's Office through its designated non-emergency reporting process as soon as practicable; and
- Maintain a chronological log of all complaints referred to the Sheriff's Office, including the date referred and any disposition information provided by the Sheriff's Office.

B. Violations Personally Observed

When, during the normal course of Code Enforcement duties, a Code Enforcement Officer personally observes an apparent violation of the ordinance, the officer shall promptly notify the Sheriff's Office through its designated reporting process so that the Sheriff's Office may initiate any criminal or administrative investigation deemed appropriate.

Following the verbal notification, the Code Enforcement Officer shall prepare and submit a written report documenting the observed violation. The report shall be maintained within the complaint log described above.

3. Investigative Information

The Parties acknowledge that, in carrying out investigations under this MOU, the Sheriff's Office may possess information that is confidential or exempt from disclosure under Florida law.

Accordingly, the Sheriff's Office may withhold:

- Active criminal investigative information;
- Active criminal intelligence information;
- Information identifying confidential informants or undercover personnel;
- Evidence collected during criminal investigations;
- Any other information that is confidential or exempt from disclosure under Florida law.

Nothing in this MOU shall require the Sheriff's Office to disclose protected investigative information.

4. Enforcement Coordination

Nothing in this MOU limits the authority of either Party under Florida law.

The Parties shall cooperate in the enforcement of Article XI, Chapter 2-21 and coordinate investigations whenever appropriate to avoid duplication of effort while ensuring effective enforcement.

5. Term

This Memorandum of Understanding shall become effective upon execution by both Parties.

The initial term shall be one (1) year and shall automatically renew from year to year unless either Party provides the other with at least thirty (30) days' written notice of its intent to terminate.

6. Amendments

This Memorandum of Understanding may be amended only by a written document specifically referencing this MOU and executed by both Parties.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: *Tal Siddiqui*

Name: *Tal Siddiqui*

Title: Chair

Date: *September 22, 2026*

ATTEST:

By: *Robin Tithe*

Clerk of the Circuit Court and Comptroller

SHERIFF OF MANATEE COUNTY

Signed by:
By: *Charles R. Wells*
DD64DDC5BE09444...



Sheriff

Date: 9/24/2026



September 22, 2026 - Regular Meeting

Subject

Adoption of Ordinance 26-36, regulating Simulated Gambling Devices and Memorandum of Understanding (MOU), Stephanie Charles, Development Services Deputy Director - Countywide

Category

REGULAR

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Stephanie Charles, Development Services Deputy Director, Ext. 6908

Action Requested

Adoption of Ordinance 26-36, and
Adoption of Memorandum of Understanding (MOU) with the Manatee County Sheriff's Office.

Enabling/Regulating Authority

Article VIII, Section 1(f), Florida Constitution; Sections 125.01, 125.66, 125.675, and 125.69, Florida Statutes; Chapter 162, Florida Statutes; and Chapter 849, Florida Statutes.

Applicable Advisory Board

N/A

Background Discussion

On October 7, 2025, the Board of County Commissioners directed the County Attorney's Office to review the ordinance adopted by Marion County prohibiting simulated gambling devices, research other Florida county ordinances addressing the same subject, and prepare a draft ordinance modeled after the Marion County ordinance with any revisions recommended by the County Attorney's Office.

The Board also directed County Administration to provide technical assistance and policy guidance during the drafting process, prepare the required Business Impact Estimate, complete all statutory advertising and publication requirements, including the Notice of Intent to Adopt the proposed ordinance and Business Impact Estimate, and return the proposed ordinance to the Board for consideration at a properly advertised public hearing.

See attached agenda update memo 9/17/26

In response to the Board's direction, the County Attorney's Office conducted a review of applicable Florida Statutes, relevant case law, and ordinances adopted by other Florida jurisdictions. Staff coordinated with the Manatee County Sheriff's Office and other stakeholders to ensure the proposed ordinance would complement existing state law and local enforcement efforts while avoiding interference with the Sheriff's criminal enforcement authority.

The proposed ordinance prohibits the operation of simulated gambling devices within unincorporated Manatee County, establishes definitions and enforcement provisions, and provides civil penalties for violations. The ordinance is intended to address businesses operating simulated gambling devices that may facilitate unlawful gambling activity, while providing Code Enforcement with an additional civil enforcement mechanism to address violations.

The required Business Impact Estimate has been completed in accordance with Section 125.66, Florida Statutes.

Following coordination with MSO and FGCC, FGCC provided technical assistance and feedback that the county staff wish to take under advisement, coordinate with the CAO for additional legal review, and/or consider scheduling additional meetings with these key stakeholders.

Attorney Review

Formal Written Review (Opinion memo must be attached) Stratton

Instructions to Board Records

Please email the approved agenda package to: nicole.knapp@mymanatee.org and stephanie.charles@mymanatee.org

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

1) Distributed 9/23/26, RT

2) Redistributed with executed Ordinance 26-36, followed by acknowledgment of filing with Secretary of State and Municipal Code, further followed by the fully-executed Memorandum of Understanding with the Sheriff, 9/24/26, RT



September 22, 2026 - Regular Meeting

Subject

Updates to Agenda - September 17, 2026

Category

ANNOUNCEMENTS

Briefings

None

Contact and/or Presenter Information

Bobbi Roy, Agenda Division Supervisor, ext 6878

Action Requested

Updates incorporated appropriately

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

Below are agenda updates (dated 9/17/26) for the meeting of September 22, 2026:

AWARDS/PRESENTATIONS/PROCLAMATIONS

Proclamations

Item 1, POW/MIA Recognition Month Day

- This agenda item was updated to reflect that it will be presented.

Item 3, Ovarian Cancer Awareness Month

- This agenda item was updated to reflect that it will not be presented.

GENERIC PUBLIC COMMENTS

- This agenda item was updated with additional comments.

CONSENT AGENDA

Clerk of Circuit Court

Item 5, Approval of the Clerk's Consent Agenda dated September 22, 2026.

- This agenda item was updated with the revised Clerk's Consent Calendar and Minutes for September 1, 2026.

Community and Veterans Services

Item 7, Adoption of Resolution R-26-124, authorizing Submission and Acceptance of the FY 2026 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Formula Award for Manatee County Sheriff's Office Public Safety Needs, Dr. Renese M. Remy, Criminal Justice Policy Coordinator - Countywide

- This agenda item was updated to include the Certifications and Assurances by the Chief Executive of the Applicant Government.

Item 8, Adoption of Resolution R-26-125, amending the 2024–2027 Local Housing Assistance Plan to Add a Mobile/Manufactured Housing Strategy Required by Chapter 2026-173, Laws of Florida (SB 594), Deborah Ash, Housing and Community Development Coordinator

- This agenda item was updated with revised Resolution R-26-125, which deleted reference(s) to Exhibit E.

Item 10, Adoption of Resolution R-26-132 on behalf of the Housing Finance Authority of Manatee County (the "Authority"), approving the issuance within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended, of the Authority's Multifamily Housing Revenue Bonds (Lotus Vyne Project), in the principal amount of not to exceed \$71,775,045 (the "Bonds"), Angela Abbott, Housing Finance Authority Attorney

- This agenda item was updated with revised Cover Sheet in strikethrough / underline format and Resolution R-26-132.

Property Management

Item 29, Adoption of Budget Amendment Resolution B-26-112; and Execution of Deed of Rural Lands Protection Easement for Mossy Island Ranch in Partnership with the Florida Department of Agriculture and Consumer Services, Rural and Family Lands Protection Program, Kara Koenig, Environmental Lands Program Section Manager - District 1

- This agenda item was updated with revised Deed of Rural Lands Protection Easement for Mossy Island Ranch.

Item 30, Adoption of Budget Amendment Resolution B-26-113; and Execution of Deed of Rural Lands Protection Easement for Thundercloud Ranch in Partnership with the Florida Department of Agriculture and Consumer Services, Rural and Family Lands Protection Program, Kara Koenig, Environmental Lands Program Section Manager - District 1

- This agenda item was updated with revised Deed of Rural Lands Protection Easement for Thundercloud Ranch.

Public Safety

Item 35, Adoption of Resolution R-26-123, authorizing the Public Safety Department to Participate in the Intergovernmental Transfer Program with the State of Florida Agency for Health Care Administration, Sean Dwyer, Chief of Emergency Medical Services – Countywide

- This agenda item was updated with finalized Resolution R-26-123 with Exhibit A, Form of Agreement Public Emergency Medical Transportation Letter of Agreement and Cover Sheet in strikethrough/underline format.

Item 36, Adoption of Resolution R-26-128, Low Income Pool and Graduate Medical Education Program Funding - Thu Le, Health Information Services Manager – Countywide

- This agenda item was updated to revise the Cover Sheet in strikethrough / underline format; and add Resolution R-26-128, Low Income Pool Letter of Agreements for MCR Health and Centerstone, and Graduate Medical Education Letter of Agreement for Centerstone.

ADVERTISED PUBLIC HEARINGS - LEGISLATIVE

Presentations Scheduled

Item 45, Adoption of Ordinance 26-36, regulating Simulated Gambling Devices and Memorandum of Understanding (MOU), Tom Wooten, Code Enforcement Chief - Countywide

- This agenda item was updated to change the presenter from Tom Wooten, Code Enforcement Chief, to Stephanie Charles, Development Services Deputy Director.

Item 46, Adoption of Ordinance 26-42, Data Center Moratorium - PLN2609-0022 - Legislative - Jay Stearman, Planner I - Countywide

An Ordinance Manatee County, Florida establishing a temporary moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to data centers, large-scale data centers and other large load customers within unincorporated Manatee County; providing for authority; legislative findings of fact; temporary moratorium imposed; duration of temporary moratorium; providing for severability; and an effective date.

- This agenda item was updated with the Affidavit of Publishing, Revised Ordinance 26-42 and public comments.

REGULAR

Property Management

Item 49, Execution of License Agreement with Sema Construction, Inc., Concerning a Portion of the County Property located in Cortez, Florida 34215, Peter Morrow, Property Acquisition Division Manager - District 3

- This agenda item was deferred to October 6, 2026.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



September 22, 2026 - Regular Meeting

Subject

Adoption of Ordinance 26-36, regulating Simulated Gambling Devices and Memorandum of Understanding (MOU), Tom Wooten, Code Enforcement Chief - Countywide

Category

REGULAR

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Tom Wooten, Chief, Code Enforcement Ext. 6908

Action Requested

Adoption of Ordinance 26-36.

Enabling/Regulating Authority

Article VIII, Section 1(f), Florida Constitution; Sections 125.01, 125.66, 125.675, and 125.69, Florida Statutes; Chapter 162, Florida Statutes; and Chapter 849, Florida Statutes.

Applicable Advisory Board

N/A

Background Discussion

On October 7, 2025, the Board of County Commissioners directed the County Attorney's Office to review the ordinance adopted by Marion County prohibiting simulated gambling devices, research other Florida county ordinances addressing the same subject, and prepare a draft ordinance modeled after the Marion County ordinance with any revisions recommended by the County Attorney's Office.

The Board also directed County Administration to provide technical assistance and policy guidance during the drafting process, prepare the required Business Impact Estimate, complete all statutory advertising and publication requirements, including the Notice of Intent to Adopt the proposed ordinance and Business Impact Estimate, and return the proposed ordinance to the Board for consideration at a properly advertised public hearing.

In response to the Board's direction, the County Attorney's Office conducted a review of applicable Florida Statutes, relevant case law, and ordinances adopted by other Florida jurisdictions. Staff coordinated with the Manatee County Sheriff's Office and other stakeholders to ensure the proposed ordinance would complement existing state law and

local enforcement efforts while avoiding interference with the Sheriff's criminal enforcement authority.

The proposed ordinance prohibits the operation of simulated gambling devices within unincorporated Manatee County, establishes definitions and enforcement provisions, and provides civil penalties for violations. The ordinance is intended to address businesses operating simulated gambling devices that may facilitate unlawful gambling activity, while providing Code Enforcement with an additional civil enforcement mechanism to address violations.

The required Business Impact Estimate has been completed in accordance with Section 125.66, Florida Statutes.

Following coordination with MSO and FGCC, FGCC provided technical assistance and feedback that the county staff wish to take under advisement, coordinate with the CAO for additional legal review, and/or consider scheduling additional meetings with these key stakeholders.

Attorney Review

Formal Written Review (Opinion memo must be attached) Stratton

Instructions to Board Records

Please email the approved agenda package to: nicole.knapp@mymanatee.org and tom.wooten@mymanatee.org

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



September 22, 2026 - Regular Meeting

Subject

Updates to Agenda - September 21, 2026

Category

ANNOUNCEMENTS

Briefings

None

Contact and/or Presenter Information

Bobbi Roy, Agenda Division Supervisor, ext 6878

Action Requested

Updates incorporated appropriately

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

Below are agenda updates (dated 9/21/26) for the meeting of September 22, 2026:

GENERIC PUBLIC COMMENTS

- This agenda item was updated to include additional comments.

CONSENT AGENDA

Development Services

Item 21, Authorization for staff to record Satisfactions of Multiple Code Enforcement Liens, Stephanie Charles, Deputy Director, Tom Wooten, Code Enforcement Chief - Countywide

- This agenda item was updated to change the presenter to reflect Stephanie Charles, Development Services Deputy Director.

Item 22, Authorization for Staff to Record the Satisfaction of Lien for Case Number CE2018010290, Stephanie Charles, Deputy Director, Tom Wooten, Code Enforcement Chief - District 1

- This agenda item was updated to change the presenter to reflect Stephanie Charles, Development Services Deputy Director.

Financial Management

Item 26, Authorization to Allocate Additional Departmental Budgeted Funding to Blanket Purchase Order No. T2400728 for Backflow Preventer Services, Mark Molinaro, Cross Connection Control Supervisor - Multiple Districts

- This agenda item was updated to change the presenter to Patrick Shea, Utilities Director.

Item 28, Execution of Agreement No. 26-R090428LP for Pump Storage Building, Erik Gibson, Utilities Superintendent - District 3

- This agenda item was updated to change the presenter to Patrick Shea, Utilities Director.

Property Management

Item 31, Execution of Sovereignty Submerged Lands Fee Waived Lease between Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Manatee County for submerged property known as the Kingfish Boat Ramp – Peter Morrow, Property Acquisition Division Manager – District 3

- This agenda item was updated with the correct Request for Legal Services Response.

Public Works

Item 39, Approval and Execution of the Third Amendment to Cooperative Agreement for Central County Complex with Musgrave Real Estate Holding, Limited Partnership, Scott May, P.E., County Engineer– District 5

- This agenda item was updated to move this item from the Consent Agenda to Regular; and include the finalized Third Amendment to Cooperative Agreement, which had a minor change to Section II, Extension and Waiver Justification, CAO Email Confirmation for Tracked Changes, and a revision to the Cost and Funds Source Account Number and Name Section to correct the dollar amount from \$250,000 to \$225,000.

ADVERTISED PUBLIC HEARINGS - LEGISLATIVE

Presentations Scheduled

Item 45, Adoption of Ordinance 26-36, regulating Simulated Gambling Devices and Memorandum of Understanding (MOU), Stephanie Charlies, Development Services Deputy Director - Countywide

- This agenda item was updated with revised Ordinance 26-36 correcting scrivener's errors relative to the Florida Administrative Code in Sections 2-21-151, paragraph 5, and 2-21-154, paragraph 4; and correcting the Action Requested to reflect Execution of the Memorandum of Understanding instead of Adoption of.

REPORTS

Natural Resources

Item 50, Report on the Duette Preserve Hunt Program

- This agenda item was updated with a revised Presentation Outline.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

ORDINANCE 26-36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING REGULATION OF SIMULATED GAMBLING DEVICES; CREATING ARTICLE XI OF CHAPTER 2-21 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING CERTAIN FINDINGS; SETTING FORTH APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION AGAINST THE USE OF SIMULATED GAMBLING DEVICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS WITH STATE LAW; PROVIDING FOR VIOLATION, ENFORCEMENT, PENALTIES, AND REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1, Article VIII of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board of County Commissioners of Manatee County, Florida (Board), has all powers of local self-government to perform county functions and to render services in a manner not inconsistent with general law, and such power may be exercised by the enactment of county ordinances and resolutions; and

WHEREAS, presently throughout Manatee County (County) and the State of Florida, there is a proliferation of establishments that utilize computer or video displays of games, contests, challenges and other electronic simulations that are or are of the type of games generally associated with legalized casino or gambling outlets or that show, or purport to show, the results of raffles, sweepstakes, contests and or business game promotions (hereinafter collectively known as “simulated gambling devices”) for commercial or pecuniary gain; and

WHEREAS, except as authorized by Chapters 24, 286, 546, 550, 551, and 849, Florida Statutes, and any other Florida law, gaming and gambling are not presently lawful in the County; and

WHEREAS, the Board finds that establishments that utilize simulated gambling devices can deceive many County residents, including the elderly, economically disadvantaged, uneducated, and unsuspecting individuals into believing such activities are legal and lawfully permitted; and

WHEREAS, the Board finds that simulated gambling devices are deceptive; and

WHEREAS, due to the deceptive nature of simulated gambling devices, establishments that utilize simulated gambling devices are adverse to the quality of life, tone of commerce, and total community environment in the County; and

WHEREAS, the Manatee County Sheriff's Office (MSO) has seen a significant amount of criminal activity, including robberies, assaults, theft, burglaries, and a stabbing at simulated gambling establishments, and that because crimes of this nature that occur at simulated gambling establishments may go unreported to law enforcement the true amount of crime that occurs is greater than is reflected in law enforcement records; and

WHEREAS, between January 1, 2018, and November 30, 2025, MSO has reported 1,526 calls for service at locations associated with the simulated gambling establishments; and

WHEREAS, since January 1, 2018, MSO has conducted search warrants at multiple properties and worked with the Florida Gaming Commission to close at least 10 simulated gambling establishments; and

WHEREAS, the Florida Legislature enacted Chapter 2019-167, Laws of Florida, which, effective October 1, 2019, amending Section 849.01, Florida Statutes, to reduce from third-degree felonies to second degree misdemeanors certain criminal offenses relating to keeping gambling houses, thereby weakening the deterrent effect of laws that previously operated to dissuade persons from committing gambling-related offenses; and

WHEREAS, as of March 10, 2026, MSO believes there are approximately 25 simulated gambling establishments in the County, though the true number may be higher; and

WHEREAS, the County finds that a correlation exists between establishments that utilize simulated gambling devices and crime or disturbances of the peace and good order of the community, and those activities are hazardous to the public health, safety and general welfare of the citizens of the County and constitutes a public nuisance; and

WHEREAS, the Board has determined that the endangerment of both the public and first responders required to respond to this ongoing criminal activity is too significant to allow any public or commercial use of simulated gambling devices to continue; and

WHEREAS, the Board has determined that the continued use of law enforcement and public safety resources to investigate, monitor, and dismantle establishments that serve as a location for ongoing criminal activity in violation of Chapter 849, Florida Statutes, will not result in an appreciable long-term impact on the number of establishments that operate in the County and will divert valuable law enforcement and public safety resources away from the investigation of other criminal activity; and

WHEREAS, the Board finds that the operation of simulated gambling establishments constitutes a public nuisance; and

WHEREAS, the Board finds that the continued operation of simulated gambling establishments creates an immediate and ongoing hazard to the public health, safety, and welfare associated with the continued operation of simulated gambling devices; and

WHEREAS, in accordance with Section 125.66(3), Florida Statutes, a business impact estimate has been prepared and posted; and

WHEREAS, the Board finds that there is a legitimate public purpose in prohibiting simulated gambling devices from being operated in the County.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County Florida that:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted as findings of this Board and are incorporated herein by reference.

Section 1. Creation of Article XI of Chapter 2-21 of the Code of Ordinances. Article XI, Chapter 2-21, Sections 2-21-151 through 2-21-156 of the Manatee County Code of Ordinances (Code) is hereby created as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Codification. Pursuant to Section 125.68(1), Florida Statutes, the publisher of the County's Code is hereby directed codify the Code provisions set forth in Exhibit A, which exhibit contains the full and complete text of all code provisions adopted by this Ordinance. This Ordinance does not amend any existing Code sections. The publisher shall codify only those provisions contained in Exhibit A.

Section 3. Areas Embraced. This Ordinance shall be effective in the unincorporated areas of the County only.

Section 4. Superseding Conflicting Ordinances. Any existing Ordinance or portion thereof which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Ordinance shall, as to such terms or provisions, be deemed as superseded by this Ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption and filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this _____ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

EXHIBIT A

Sec. 2-21-151. – Authority; Intent; Purpose; Scope.

1. This article is adopted in the interest of the public health, safety, and general welfare of the citizens, inhabitants, and visitors of Manatee County, pursuant to Chapter 125, Florida Statutes, and Article VIII, Florida Constitution.

2. The intent and purpose of this article is to provide for regulation of establishments that contain simulated gambling devices, decrease the unwanted secondary effects associated with the operation of those establishments, authorize the use of private property for lawful purposes, and deter illegal gambling. To accomplish the foregoing, Manatee County intends to broadly prohibit the possession or use of simulated gambling devices not authorized for legal use under Florida law, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices. In prohibiting simulated gambling devices, Manatee County in no way intends to locally approve the use of actual slot machines, other forms of casino gambling or other types of gambling devices. In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling as that term may be defined elsewhere.

3. This article applies in unincorporated Manatee County only.

4. Notwithstanding anything to the contrary herein, this article shall not apply to any activity authorized pursuant the Family Amusement Games Act, Section 546.10, Florida Statutes, as may be amended from time to time.

5. Pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and Chapter 61D, Florida Administrative Code, and devices located therein, are exempt from the provisions of this article.

Sec. 2-21-152. – Definitions.

For the purpose of this article, certain terms shall have the meanings ascribed to them in this article, unless the context clearly indicates otherwise.

1. “Establishment” means any location at which simulated gambling devices are made accessible for use by a person, except those places specifically excluded from this article as set forth in Section 2-21-154.

2. “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 or manager of an association, partnership, joint venture, corporation or other organization.

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

- a) "Computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
- b) "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. The term "device" also includes any associated equipment necessary to conduct the operation of the machinery or device.
- c) "Gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.
- d) "Game" includes slot machines, poker, bingo, craps, blackjack, roulette, keno, "fish," any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, 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 gambling as that term may be defined elsewhere.
- e) "Object" means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
- f) "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.
- g) "Play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
- h) "Upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.
- i) For the purpose of determining the number of simulated gambling devices, each seat, terminal, or other interface at which a separate individual may use the device, shall be counted as a separate and distinct device, regardless of whether the device or any seat, terminal, or other interface is

functional. For example, if a single table has six (6) chairs at which six (6) separate persons can play a game, on a common screen/display or otherwise, it shall be counted as six (6) devices; if a stand-up game has three (3) terminals or interfaces at which three (3) people can use the device, it shall be counted as three (3) devices.

4. "Slot machine" has the same meaning as specified in Chapter 551, Florida Statutes.

Sec. 2-21-153. – Prohibition of simulated gambling devices.

1. It is unlawful for any person to manage, supervise, maintain, provide, produce, possess, or use one (1) or multiple simulated gambling devices for commercial, promotional or pecuniary gain or purpose.

2. Each individual act of managing, supervising, maintaining, providing, producing, possessing, or using a simulated gambling device constitutes a separate violation of this article.

- a) For example, if a person possesses five (5) simulated gambling devices, that person would be subject to a separate penalty for each of the five (5) devices.
- b) For example, if a person possesses two (2) simulated gambling devices that the person sells to another individual, the person will have committed four (4) acts in violation of this article, and would be subject to a separate penalty for possessing each of the two (2) devices and a separate sanction for providing each of the two (2) devices.
- c) For example, if a person employed at an establishment, supervises the establishment, and the establishment has ten (10) simulated gambling devices, that person would be subject to a separate penalty for each of the ten (10) devices.

Sec. 2-21-154. – Exemptions.

1. This article does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.

2. This article does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by Section 546.10, Florida Statutes, or other provision of the Florida Statutes and not otherwise permitted by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this article.

3. This article does not prohibit a religious or charitable organization from

conducting a fund raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one (1) calendar year for no more than six (6) hours per fund raising activity, the organization provides advance written notice to the Manatee County Sheriff's Office of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

4. This article does not apply to pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and Chapter 61D, Florida Administrative Code, or to any devices or games therein.

Sec. 2-21-155. – Conflict with state law.

Nothing in this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this article and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

Sec. 2-21-156. – Enforcement; penalties; civil remedies and criminal prosecution.

Manatee County Code Enforcement Officers and the Manatee County Sheriff and his or her designees, as outlined in a written enforcement policy between those agencies, shall have concurrent jurisdiction to investigate and enforce the requirements of this article as follows:

1. By the issuance of a written cease and desist notice/order. Occupancy or operation of any structure or property where any simulated gambling device is being used or operated in violation of this article shall immediately cease upon the issuance of a cease and desist notice/order. Such notice/order shall be in writing and shall be given to the owner of the property or to his or her agent or to the person operating any establishment where any simulated gambling device is being used or operated in violation of this article. Failure to comply with the terms and conditions of a cease and desist notice/order issued pursuant to this article shall constitute an additional violation of this article. A cease and desist notice/order may be lifted by the issuer or his or her supervisor upon demonstration that all simulated gambling devices have been removed and all applicable civil penalties have been fully paid.

2. By the issuance of a civil citation, as provided in chapter 2-7, article III, section 2-7-40 through section 2-7-44 of the Manatee County Code of Ordinances, as may be amended.

3. By an action for injunctive relief through a court of competent jurisdiction. An action for injunctive relief may be brought by the board of county commissioners or the state attorney. If such action is successful, a judgment for reasonable attorney's fees and costs may be awarded by the court.

4. By prosecution as a misdemeanor. A violation of this article that is a civil violation may be reclassified to a misdemeanor of the second degree, punishable by up

to sixty (60) days imprisonment in the county jail and a fine of up to five hundred dollars (\$500.00), if, at the time of the violation:

- a) The violator manages, supervises, maintains, provides, produces, possesses, or uses five (5) or more simulated gambling devices for commercial, promotional, or pecuniary gain or purpose;
- b) The violator has one (1) or more prior convictions for a violation of this article or has been found, on one (1) or more occasions, to have committed a violation of this article. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
- c) The violator has one (1) or more prior convictions for a violation of any provision of Chapter 849, Florida Statutes. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered;
- d) The violator has previously entered in any pretrial intervention program or diversion program for any violation of this article, a substantially similar ordinance of another jurisdiction, or any provision of Chapter 849, Florida Statutes; or
- e) The violator is in violation of a cease-and-desist order issued pursuant to this article at the time the violations occur.

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY

AND

THE SHERIFF OF MANATEE COUNTY

This Memorandum of Understanding ("MOU"), dated _____, 2026, is entered into by and between the Board of County Commissioners of Manatee County, Florida, a political subdivision of the State of Florida ("County"), and the Sheriff of Manatee County ("Sheriff"), pursuant to the authority of Section 162.21, Florida Statutes, and Article XI, Chapter 2-21 of the Manatee County Code of Ordinances regulating simulated gambling devices.

RECITALS

- A. The Board of County Commissioners has adopted Ordinance No. 26-36, Article XI, Chapter 2-21 of the Manatee County Code of Ordinances prohibiting the operation, maintenance, possession, management, supervision, or use of simulated gambling devices for commercial, promotional, or pecuniary gain within the unincorporated areas of Manatee County; and
- B. Section 162.21(2) and (3), Florida Statutes, authorizes law enforcement officers to be designated as code enforcement officers for the purpose of issuing civil citations for violations of county ordinances; and
- C. Article XI, Chapter 2-21 of the Manatee County Code of Ordinances provides that the Sheriff and Manatee County Code Enforcement, pursuant to a written enforcement policy between those agencies, shall have jurisdiction to investigate and enforce the provisions of the ordinance; and
- D. The Parties recognize that investigations involving simulated gambling devices frequently involve circumstances requiring specialized investigative techniques, the potential for criminal violations, undercover operations, search warrants, seizure of evidence, and situations that may present safety concerns for County personnel; and
- E. The Parties further recognize that many violations of the ordinance may also constitute violations of Chapter 849, Florida Statutes, and other criminal laws that fall within the investigative authority of the Sheriff; and
- D. The Parties agree that it is in the best interest of the public that the Sheriff's Office serve as the primary investigative and enforcement agency for alleged violations of the Simulated Gambling Device Ordinance; and

- E. The purpose of this Memorandum of Understanding is to establish the written enforcement policy contemplated by Article XI, Chapter 2-21 of the Manatee County Code of Ordinances.

NOW, THEREFORE, the Parties agree as follows:

1. Sheriff's Office to be Primary Investigator and Enforcement Agency: As between the Sheriff and Manatee County Code Enforcement, the Sheriff shall have primary investigative and enforcement responsibility regarding alleged violations of Article XI, Chapter 2-21 of the Manatee County Code of Ordinances governing simulated gambling devices.

2. Complaint Reporting Procedures

A. Complaints Received by Code Enforcement

When Manatee County Code Enforcement receives a complaint alleging a violation of the Simulated Gambling Device Ordinance, Code Enforcement personnel shall:

- Obtain all available information from the complainant regarding the alleged violation;
- Document the complainant's name (if provided), date received, business name, address, and any other pertinent information;
- Forward the complaint to the Manatee County Sheriff's Office through its designated non-emergency reporting process as soon as practicable; and
- Maintain a chronological log of all complaints referred to the Sheriff's Office, including the date referred and any disposition information provided by the Sheriff's Office.

B. Violations Personally Observed

When, during the normal course of Code Enforcement duties, a Code Enforcement Officer personally observes an apparent violation of the ordinance, the officer shall promptly notify the Sheriff's Office through its designated reporting process so that the Sheriff's Office may initiate any criminal or administrative investigation deemed appropriate.

Following the verbal notification, the Code Enforcement Officer shall prepare and submit a written report documenting the observed violation. The report shall be maintained within the complaint log described above.

3. Investigative Information

The Parties acknowledge that, in carrying out investigations under this MOU, the Sheriff's Office may possess information that is confidential or exempt from disclosure under Florida law.

Accordingly, the Sheriff's Office may withhold:

- Active criminal investigative information;
- Active criminal intelligence information;

- Information identifying confidential informants or undercover personnel;
- Evidence collected during criminal investigations;
- Any other information that is confidential or exempt from disclosure under Florida law.

Nothing in this MOU shall require the Sheriff's Office to disclose protected investigative information.

4. Enforcement Coordination

Nothing in this MOU limits the authority of either Party under Florida law.

The Parties shall cooperate in the enforcement of Article XI, Chapter 2-21 and coordinate investigations whenever appropriate to avoid duplication of effort while ensuring effective enforcement.

5. Term

This Memorandum of Understanding shall become effective upon execution by both Parties.

The initial term shall be one (1) year and shall automatically renew from year to year unless either Party provides the other with at least thirty (30) days' written notice of its intent to terminate.

6. Amendments

This Memorandum of Understanding may be amended only by a written document specifically referencing this MOU and executed by both Parties.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: _____

Name: _____

Title: Chair

Date: _____

ATTEST:

Clerk of the Circuit Court and Comptroller

SHERIFF OF MANATEE COUNTY

By: _____

Sheriff

Date: _____

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66(2)(a), Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on **August 25, 2026, beginning at 9:00 a.m.**, or as soon thereafter as possible, in the Commission Chambers, located on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider the following ordinance:

ORDINANCE 26-36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING REGULATION OF SIMULATED GAMBLING DEVICES; CREATING ARTICLE XI OF CHAPTER 2-21 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING CERTAIN FINDINGS; SETTING FORTH APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION AGAINST THE USE OF SIMULATED GAMBLING DEVICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS WITH STATE LAW; PROVIDING FOR VIOLATION, ENFORCEMENT, PENALTIES, AND REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 extension 6878, between 8:00 AM - 5:00 PM; email to: planning.agenda@mymanatee.org.

Americans with Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability. Manatee County is committed to providing full access to facilities, programs, and services to all, as well as supporting the employment of qualified individuals with disabilities in its workforce in accordance with federal and state laws and regulations, including the Americans with Disabilities Acts of 1990 (ADA) and as amended ("ADAA"), and 503 and 504 of the Rehabilitation Act of 1973. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), or assistance with accessing any of these documents, should contact Carmine DeMilio, ADA Compliance Coordinator, at (941)792-4501 ext. 6016 or carmine.demilio@mymanatee.org, as least 3 business days prior to the scheduled meeting. If you are deaf/hard of hearing and require the services of an interpreter, please contact the Florida Relay Service at 711.

According to Section 286.0105, Florida Statutes, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the above referenced meeting or public hearing will need a record of the proceedings, and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Development Services

Code Enforcement
9000 Town Center Pkwy.
Lakewood Ranch, Florida 34202
Phone number: (941) 748-4501



BUSINESS IMPACT ESTIMATE

In accordance with Section 125.66(3)(a), Florida Statutes, a Business Impact Estimate (BIE) is required to be prepared before enacting certain ordinances and posted on Manatee County's website no later than the date the notice of intent to consider the proposed ordinance is published (which, per Section 125.66, Florida Statutes, is 10 days before the public hearing).

Proposed Ordinance Title

ORDINANCE 26-36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING REGULATION OF SIMULATED GAMBLING DEVICES; CREATING ARTICLE XI OF CHAPTER 2-21 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING CERTAIN FINDINGS; SETTING FORTH APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION AGAINST THE USE OF SIMULATED GAMBLING DEVICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS WITH STATE LAW; PROVIDING FOR VIOLATION, ENFORCEMENT, PENALTIES, AND REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), Florida Statutes. As such, if one or more boxes are checked below, Manatee County believes that a BIE is not required by state law for the proposed ordinance referenced above. Manatee County reserves the right to revise this BIE following an initial posting. Notwithstanding, Manatee County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Manatee County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

☐ The proposed ordinance is required for compliance with Federal or State law or

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At Large

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regulation.

- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement.
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Consistent with the posting requirement set forth in Section 125.66(3)(a), Florida Statutes, the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this ___ day of August 2026:

1. **Summary of Proposed Ordinance, including a Statement of the Public Purpose to be Served by the Proposed Ordinance, Such as Serving the Public Health, Safety, Morals, and Welfare of the County:**

The proposed ordinance prohibits the operation and use of simulated gambling devices in unincorporated Manatee County, consistent with Florida Statute 849. The ordinance is intended to protect the public health, safety, and welfare; reduce criminal activity associated with these establishments; promote lawful commerce; and provide clear local enforcement authority.

2. **Estimate of Direct Economic Impact of Proposed Ordinance on Private, For-Profit Businesses in the County, Including the Following (if any):**

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:

Businesses that operate, host, lease, maintain, or otherwise profit from simulated gambling devices may incur compliance costs associated with the proposed ordinance, including the removal or disposal of machines, legal and compliance expenses, and potential contract modifications, as such activities are prohibited under Florida Statute 849. Businesses that do not engage in these activities are not expected to incur compliance costs.

Any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible:

There will be no charges or fees associated with this ordinance.

- b. An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

No new fees are proposed to recover these costs.

3. **A Good Faith Estimate of the Number of Businesses Likely to be Impacted by the Ordinance:**

The ordinance is expected to directly impact a limited number of businesses that operate or support simulated gambling devices. Countywide economic impacts are expected to be minimal.

4. **Additional Information the Board Determines May be Useful:**

This ordinance includes enforcement mechanisms such as cease-and-desist orders, civil citations, injunctive relief, and potential misdemeanor prosecution.

MANATEE COUNTY GOVERNMENT

STATE OF FLORIDA

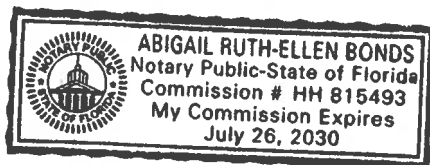
COUNTY OF MANATEE

Before the undersigned authority personally appeared Quantana Acevedo, who on oath says that she is a County Employee of Manatee County Government, Manatee County, Florida; that the attached copy of advertisement, being a public notice in the matters of Notice of Public Hearing for Ordinance 26-36 with Business Impact Estimate for the Manatee County Board of County Commissioners Regular Meeting on September 22, 2026, in Manatee County Florida, was published on the publicly accessible website of Manatee County Government, Manatee County, Florida, of www.mymanatee.org on **August 31, 2026**.

Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

By: 
Quantana Acevedo
Planning and Zoning Tech III

Sworn to and subscribed before me this 31st day of August 2026, by Quantana Acevedo, who is personally known to me or who has produced (type of identification) as identification.




(Signature of Notary Public)
Abigail Bonds
(Print Name of Notary Public)
Notary Public
(Title)

My Commission Expires: July 26, 2030
Commission Number: HH 815493

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66(2)(a), Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on **September 22, 2026, beginning at 9:00 a.m.**, or as soon thereafter as possible, in the Commission Chambers, located on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider the following ordinance:

ORDINANCE 26-36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING REGULATION OF SIMULATED GAMBLING DEVICES; CREATING ARTICLE XI OF CHAPTER 2-21 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING CERTAIN FINDINGS; SETTING FORTH APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION AGAINST THE USE OF SIMULATED GAMBLING DEVICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS WITH STATE LAW; PROVIDING FOR VIOLATION, ENFORCEMENT, PENALTIES, AND REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Date Published: August 31, 2026

Development Services

Code Enforcement

9000 Town Center Pkwy.

Lakewood Ranch, Florida 34202

Phone number: (941) 748-4501



BUSINESS IMPACT ESTIMATE

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OFFICE OF THE COUNTY ATTORNEY

COUNTY ATTORNEY

Pamela J. D'Agostino

DEPUTY COUNTY ATTORNEY

Christopher M. De Carlo

CHIEF ASSISTANT COUNTY ATTORNEY

Sarah A. Schenk*

ASSISTANT COUNTY ATTORNEYS

Douglas E. Polk

Camilo A. Soto

Whittni M. Hodges

Deanne C. Fields

Katherine H. Welch

Rebecca E. Waterman

Angelina L. Stratton

Jared M. Monahan

Kristina H. Snyderman

MEMORANDUM

DATE: June 16, 2026

TO: Board of County Commissioners

THROUGH: Pamela J. D'Agostino, County Attorney *Approved by PJD 06/16/2026*

FROM: Angelina Stratton, Assistant County Attorney *Approved by ALS 06/16/2026*

RE: **Regulating Simulated Gambling Devices; RLS No. 25/26-0018**

Issue Presented:

The Board of County Commissioners (Board) directed the County Attorney's Office (CAO) to review Marion County's code prohibiting simulated gambling devices, research and analyze any other more recent county code provisions prohibiting same, and prepare a draft ordinance modeled after Marion County with inclusion of any recommended edits based on the CAO's legal research.

Brief Answer:

As directed, the CAO has performed the requested review, research, and analysis and prepared a draft ordinance for the Board's consideration.

Background:

On October 7, 2025, the Board directed:

1. The County Attorney's Office to review the Marion County code prohibiting simulated gambling devices, research and analyze any other more recent county

*Florida Bar Board Certified in City, County and Local Government Law

code provisions prohibiting same, and prepare a draft ordinance modeled after Marion County with any edits based on the foregoing research that the County Attorney's Office legally recommends;

2. County Administration to provide the County Attorney's Office with technical assistance and policy-decision guidance upon request throughout the drafting process, prepare the appropriate business impact estimate, cause all other necessary and appropriate documents in furtherance of adopting the proposed ordinance to be drafted and properly advertised and/or published, including the notice of intent to adopt the proposed ordinance and business impact estimate, and bring the proposed ordinance back to the Board for consideration at a properly advertised public hearing.

Discussion:

The CAO reviewed and researched regulations governing simulated gambling devices from Marion County, Putnam County, Seminole County, the City of Jacksonville, and the City of Tampa. We also collaborated with the County's Code Enforcement Chief and a representative of the Manatee County Sheriff's Office (MSO).

The CAO trusts that staff will review all of the recital clauses contained in the Ordinance and obtain evidence to support or substantiate any factual representations in same, or work with the CAO to revise same. The Ordinance contemplates and requires the development of a written enforcement policy between the County and MSO. The CAO recommends that staff work with MSO to develop and present same for approval by the Board concurrent with adoption of the proposed Ordinance. If legal review of any proposed written enforcement policy is desired, the CAO will perform upon same upon request.

In accordance with the Board's direction and Section 125.66(3), Florida Statutes, a business impact estimate is required. We trust staff will prepare same.

Conclusion:

The attached draft Ordinance and Exhibit A have been prepared as directed and in consultation with County staff and input from MSO. Provided staff proceeds consistently with the CAO's guidance herein and attached, the CAO will have no legal objection to this proposed Ordinance being presented to the Board for review and consideration. The CAO expresses no opinion as to the policy decision of adopting this Ordinance. We trust that County Administration will comply with the balance of the Board's October 2025 directive.

Please contact me if you have any questions or if I can be of further assistance.

Attachments:

Ordinance

Exhibit A to Ordinance

Copies with attachments to:

Charlie Bishop, County Administrator, County Administration

Nicole Knapp, Director, Development Services Department

Tom Wooten, Code Enforcement Chief, Development Services Department

ORDINANCE 26-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING REGULATION OF SIMULATED GAMBLING DEVICES; CREATING ARTICLE XI OF CHAPTER 2-21 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING CERTAIN FINDINGS; SETTING FORTH APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION AGAINST THE USE OF SIMULATED GAMBLING DEVICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS WITH STATE LAW; PROVIDING FOR VIOLATION, ENFORCEMENT, PENALTIES, AND REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1, Article VIII of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board of County Commissioners of Manatee County, Florida (Board), has all powers of local self-government to perform county functions and to render services in a manner not inconsistent with general law, and such power may be exercised by the enactment of county ordinances and resolutions; and

WHEREAS, presently throughout Manatee County (County) and the State of Florida, there is a proliferation of establishments that utilize computer or video displays of games, contests, challenges and other electronic simulations that are or are of the type of games generally associated with legalized casino or gambling outlets or that show, or purport to show, the results of raffles, sweepstakes, contests and or business game promotions (hereinafter collectively known as “simulated gambling devices”) for commercial or pecuniary gain; and

WHEREAS, except as authorized by Chapters 24, 286, 546, 550, 551, and 849, Florida Statutes, and any other Florida law, gaming and gambling are not presently lawful in the County; and

WHEREAS, the Board finds that establishments that utilize simulated gambling devices can deceive many County residents, including the elderly, economically disadvantaged, uneducated, and unsuspecting individuals into believing such activities are legal and lawfully permitted; and

WHEREAS, the Board finds that simulated gambling devices are deceptive; and

WHEREAS, due to the deceptive nature of simulated gambling devices, establishments that utilize simulated gambling devices are adverse to the quality of life, tone of commerce, and total community environment in the County; and

WHEREAS, the Manatee County Sheriff's Office (MSO) has seen a significant amount of criminal activity, including robberies, assaults, theft, burglaries, and a stabbing at simulated gambling establishments, and that because crimes of this nature that occur at simulated gambling establishments may go unreported to law enforcement the true amount of crime that occurs is greater than is reflected in law enforcement records; and

WHEREAS, between January 1, 2018, and November 30, 2025, MSO has reported 1,526 calls for service at locations associated with the simulated gambling establishments; and

WHEREAS, since January 1, 2018, MSO has conducted search warrants at multiple properties and worked with the Florida Gaming Commission to close at least 10 simulated gambling establishments; and

WHEREAS, the Florida Legislature enacted Chapter 2019-167, Laws of Florida, which, effective October 1, 2019, amending Section 849.01, Florida Statutes, to reduce from third-degree felonies to second degree misdemeanors certain criminal offenses relating to keeping gambling houses, thereby weakening the deterrent effect of laws that previously operated to dissuade persons from committing gambling-related offenses; and

WHEREAS, as of March 10, 2026, MSO believes there are approximately 25 simulated gambling establishments in the County, though the true number may be higher; and

WHEREAS, the County finds that a correlation exists between establishments that utilize simulated gambling devices and crime or disturbances of the peace and good order of the community, and those activities are hazardous to the public health, safety and general welfare of the citizens of the County and constitutes a public nuisance; and

WHEREAS, the Board has determined that the endangerment of both the public and first responders required to respond to this ongoing criminal activity is too significant to allow any public or commercial use of simulated gambling devices to continue; and

WHEREAS, the Board has determined that the continued use of law enforcement and public safety resources to investigate, monitor, and dismantle establishments that serve as a location for ongoing criminal activity in violation of Chapter 849, Florida Statutes, will not result in an appreciable long-term impact on the number of establishments that operate in the County and will divert valuable law enforcement and public safety resources away from the investigation of other criminal activity; and

WHEREAS, the Board finds that the operation of simulated gambling establishments constitutes a public nuisance; and

WHEREAS, the Board finds that the continued operation of simulated gambling establishments creates an immediate and ongoing hazard to the public health, safety, and welfare associated with the continued operation of simulated gambling devices; and

WHEREAS, in accordance with Section 125.66(3), Florida Statutes, a business impact estimate has been prepared and posted; and

WHEREAS, the Board finds that there is a legitimate public purpose in prohibiting simulated gambling devices from being operated in the County.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County Florida that:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted as findings of this Board and are incorporated herein by reference.

Section 1. Creation of Article XI of Chapter 2-21 of the Code of Ordinances. Article XI, Chapter 2-21, Sections 2-21-151 through 2-21-156 of the Manatee County Code of Ordinances (Code) is hereby created as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Codification. Pursuant to Section 125.68(1), Florida Statutes, the publisher of the County's Code is hereby directed codify the Code provisions set forth in Exhibit A, which exhibit contains the full and complete text of all code provisions adopted by this Ordinance. This Ordinance does not amend any existing Code sections. The publisher shall codify only those provisions contained in Exhibit A.

Section 3. Areas Embraced. This Ordinance shall be effective in the unincorporated areas of the County only.

Section 4. Superseding Conflicting Ordinances. Any existing Ordinance or portion thereof which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Ordinance shall, as to such terms or provisions, be deemed as superseded by this Ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption and filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this _____ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

EXHIBIT A

Sec. 2-21-151. – Authority; Intent; Purpose; Scope.

1. This article is adopted in the interest of the public health, safety, and general welfare of the citizens, inhabitants, and visitors of Manatee County, pursuant to Chapter 125, Florida Statutes, and Article VIII, Florida Constitution.

2. The intent and purpose of this article is to provide for regulation of establishments that contain simulated gambling devices, decrease the unwanted secondary effects associated with the operation of those establishments, authorize the use of private property for lawful purposes, and deter illegal gambling. To accomplish the foregoing, Manatee County intends to broadly prohibit the possession or use of simulated gambling devices not authorized for legal use under Florida law, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices. In prohibiting simulated gambling devices, Manatee County in no way intends to locally approve the use of actual slot machines, other forms of casino gambling or other types of gambling devices. In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling as that term may be defined elsewhere.

3. This article applies in unincorporated Manatee County only.

4. Notwithstanding anything to the contrary herein, this article shall not apply to any activity authorized pursuant the Family Amusement Games Act, Section 546.10, Florida Statutes, as may be amended from time to time.

5. Pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and Chapter 61D, Florida Administrative Code, and devices located therein, are exempt from the provisions of this article.

Sec. 2-21-152. – Definitions.

For the purpose of this article, certain terms shall have the meanings ascribed to them in this article, unless the context clearly indicates otherwise.

1. “Establishment” means any location at which simulated gambling devices are made accessible for use by a person, except those places specifically excluded from this article as set forth in Section 2-21-154.

2. “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 or manager of an association, partnership, joint venture, corporation or other organization.

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

- a) "Computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
- b) "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. The term "device" also includes any associated equipment necessary to conduct the operation of the machinery or device.
- c) "Gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.
- d) "Game" includes slot machines, poker, bingo, craps, blackjack, roulette, keno, "fish," any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, 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 gambling as that term may be defined elsewhere.
- e) "Object" means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
- f) "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.
- g) "Play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
- h) "Upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.
- i) For the purpose of determining the number of simulated gambling devices, each seat, terminal, or other interface at which a separate individual may use the device, shall be counted as a separate and distinct device, regardless of whether the device or any seat, terminal, or other interface is

functional. For example, if a single table has six (6) chairs at which six (6) separate persons can play a game, on a common screen/display or otherwise, it shall be counted as six (6) devices; if a stand-up game has three (3) terminals or interfaces at which three (3) people can use the device, it shall be counted as three (3) devices.

4. "Slot machine" has the same meaning as specified in Chapter 551, Florida Statutes.

Sec. 2-21-153. – Prohibition of simulated gambling devices.

1. It is unlawful for any person to manage, supervise, maintain, provide, produce, possess, or use one (1) or multiple simulated gambling devices for commercial, promotional or pecuniary gain or purpose.

2. Each individual act of managing, supervising, maintaining, providing, producing, possessing, or using a simulated gambling device constitutes a separate violation of this article.

- a) For example, if a person possesses five (5) simulated gambling devices, that person would be subject to a separate penalty for each of the five (5) devices.
- b) For example, if a person possesses two (2) simulated gambling devices that the person sells to another individual, the person will have committed four (4) acts in violation of this article, and would be subject to a separate penalty for possessing each of the two (2) devices and a separate sanction for providing each of the two (2) devices.
- c) For example, if a person employed at an establishment, supervises the establishment, and the establishment has ten (10) simulated gambling devices, that person would be subject to a separate penalty for each of the ten (10) devices.

Sec. 2-21-154. – Exemptions.

1. This article does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.

2. This article does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by Section 546.10, Florida Statutes, or other provision of the Florida Statutes and not otherwise permitted by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this article.

3. This article does not prohibit a religious or charitable organization from

conducting a fund raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one (1) calendar year for no more than six (6) hours per fund raising activity, the organization provides advance written notice to the Manatee County Sheriff's Office of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

4. This article does not apply to pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and Chapter 61D, Florida Administrative Code, or to any devices or games therein.

Sec. 2-21-155. – Conflict with state law.

Nothing in this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this article and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

Sec. 2-21-156. – Enforcement; penalties; civil remedies and criminal prosecution.

Manatee County Code Enforcement Officers and the Manatee County Sheriff and his or her designees, as outlined in a written enforcement policy between those agencies, shall have concurrent jurisdiction to investigate and enforce the requirements of this article as follows:

1. By the issuance of a written cease and desist notice/order. Occupancy or operation of any structure or property where any simulated gambling device is being used or operated in violation of this article shall immediately cease upon the issuance of a cease and desist notice/order. Such notice/order shall be in writing and shall be given to the owner of the property or to his or her agent or to the person operating any establishment where any simulated gambling device is being used or operated in violation of this article. Failure to comply with the terms and conditions of a cease and desist notice/order issued pursuant to this article shall constitute an additional violation of this article. A cease and desist notice/order may be lifted by the issuer or his or her supervisor upon demonstration that all simulated gambling devices have been removed and all applicable civil penalties have been fully paid.

2. By the issuance of a civil citation, as provided in chapter 2-7, article III, section 2-7-40 through section 2-7-44 of the Manatee County Code of Ordinances, as may be amended.

3. By an action for injunctive relief through a court of competent jurisdiction. An action for injunctive relief may be brought by the board of county commissioners or the state attorney. If such action is successful, a judgment for reasonable attorney's fees and costs may be awarded by the court.

4. By prosecution as a misdemeanor. A violation of this article that is a civil violation may be reclassified to a misdemeanor of the second degree, punishable by up

to sixty (60) days imprisonment in the county jail and a fine of up to five hundred dollars (\$500.00), if, at the time of the violation:

- a) The violator manages, supervises, maintains, provides, produces, possesses, or uses five (5) or more simulated gambling devices for commercial, promotional, or pecuniary gain or purpose;
- b) The violator has one (1) or more prior convictions for a violation of this article or has been found, on one (1) or more occasions, to have committed a violation of this article. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
- c) The violator has one (1) or more prior convictions for a violation of any provision of Chapter 849, Florida Statutes. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered;
- d) The violator has previously entered in any pretrial intervention program or diversion program for any violation of this article, a substantially similar ordinance of another jurisdiction, or any provision of Chapter 849, Florida Statutes; or
- e) The violator is in violation of a cease-and-desist order issued pursuant to this article at the time the violations occur.

EXHIBIT A

Sec. 2-21-151. – Authority; Intent; Purpose; Scope.

1. This article is adopted in the interest of the public health, safety, and general welfare of the citizens, inhabitants, and visitors of Manatee County, pursuant to Chapter 125, Florida Statutes, and Article VIII, Florida Constitution.

2. The intent and purpose of this article is to provide for regulation of establishments that contain simulated gambling devices, decrease the unwanted secondary effects associated with the operation of those establishments, authorize the use of private property for lawful purposes, and deter illegal gambling. To accomplish the foregoing, Manatee County intends to broadly prohibit the possession or use of simulated gambling devices not authorized for legal use under Florida law, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices. In prohibiting simulated gambling devices, Manatee County in no way intends to locally approve the use of actual slot machines, other forms of casino gambling or other types of gambling devices. In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling as that term may be defined elsewhere.

3. This article applies in unincorporated Manatee County only.

4. Notwithstanding anything to the contrary herein, this article shall not apply to any activity authorized pursuant the Family Amusement Games Act, Section 546.10, Florida Statutes, as may be amended from time to time.

5. Pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and Chapter 61D, Florida Administrative Code, and devices located therein, are exempt from the provisions of this article.

Sec. 2-21-152. – Definitions.

For the purpose of this article, certain terms shall have the meanings ascribed to them in this article, unless the context clearly indicates otherwise.

1. “Establishment” means any location at which simulated gambling devices are made accessible for use by a person, except those places specifically excluded from this article as set forth in Section 2-21-154.

2. “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 or manager of an association, partnership, joint venture, corporation or other organization.

Commented [A1]: The Commission has concerns with these two clauses: “authorize the use of private property for lawful purposes” and “broadly prohibit the possession or use of simulated gambling devices not authorized for legal use under Florida law.” This is because the two clauses could be read or misinterpreted as authorizing slot machine gaming in Manatee County under certain circumstances. This contravenes section 849.15, Florida Statutes, and Article X, Section 30 of the Florida Constitution, which strictly prohibit all slot machine gaming outside of licensed pari-mutuel facilities in Miami-Dade and Broward Counties.

As discussed in detail below, “simulated gambling devices,” as the term is defined in this Ordinance, are slot machines within the meaning of section 849.16, Florida Statutes.

Commented [A2]: The Commission has concerns that paragraph 5 could be misconstrued to authorize pari-mutuel facilities in Manatee County to operate “simulated gambling devices” in violation of chapter 849, Florida Statutes. Under chapter 551, Florida Statutes, which governs legal slot machine gaming, the only licensed pari-mutuel facilities authorized to conduct slot machine gaming are located in Miami-Dade and Broward Counties.

In addition, Florida Gaming Control Commission’s rules have been moved from Chapter 61D of the Florida Administrative Code to Chapter 75 of the Florida Administrative Code.

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

- a) "Computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
- b) "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. The term "device" also includes any associated equipment necessary to conduct the operation of the machinery or device.
- c) "Gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.
- d) "Game" includes slot machines, poker, bingo, craps, blackjack, roulette, keno, "fish," any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, 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 gambling as that term may be defined elsewhere.
- e) "Object" means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
- f) "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.
- g) "Play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
- h) "Upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.
- i) For the purpose of determining the number of simulated gambling devices, each seat, terminal, or other interface at which a separate individual may use the device, shall be counted as a separate and distinct device, regardless of whether the device or any seat, terminal, or other interface is

Commented [A3]: A "simulated gambling device," as defined herein, meets the definition of an illegal slot machine under section 849.16, Florida Statutes. Using a new, different definition to describe gaming devices that are already strictly prohibited by section 849.15, Florida Statutes, conflicts with state law and could cause confusion or allow bad actors within Manatee County to use the Ordinance to their advantage in criminal operations conducted by the Florida Gaming Control Commission. In all of the Commission's comments to this Ordinance, the term "slot machine" is used to describe the machines captured by the Ordinance's definition of "simulated gambling devices."

or your reference, section 849.16, Florida Statutes, defines a slot machine as follows:

"(1) As used in this chapter, the term "slot machine or device" means any machine or device or system or network of devices that is adapted for use in such a way that, upon activation, which may be achieved by, but is not limited to, the insertion of any piece of money, coin, account number, code, or other object or information, such device or system is directly or indirectly caused to operate or may be operated and if the user, whether by application of skill or by reason of any element of chance or any other outcome unpredictable by the user, may:

- (a) Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or
- (b) Secure additional chances or rights to use such machine, apparatus, or device, even though the device or system may be available for free play or, in addition to any element of chance or unpredictable outcome of such operation, may also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value. The term "slot machine or device" includes, but is not limited to, devices regulated as slot machines pursuant to chapter 551.

(2) This chapter may not be construed, interpreted, or applied to the possession of a reverse vending machine. As used in this section, the term "reverse vending machine" means a machine into which empty beverage containers are deposited for recycling and which provides a payment of money, merchandise, vouchers, or other incentives. At a frequency less than upon the deposit of each beverage container, a reverse vending machine may pay out a random incentive bonus greater than that guaranteed payment in the form of money, merchandise, vouchers, or other incentives. The deposit of any empty beverage container into a reverse vending machine does not constitute consideration, and a reverse vending machine may not be deemed a slot machine as defined in this section.

(3) There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.

functional. For example, if a single table has six (6) chairs at which six (6) separate persons can play a game, on a common screen/display or otherwise, it shall be counted as six (6) devices; if a stand-up game has three (3) terminals or interfaces at which three (3) people can use the device, it shall be counted as three (3) devices.

4. "Slot machine" has the same meaning as specified in Chapter 551, Florida Statutes.

Sec. 2-21-153. – Prohibition of simulated gambling devices.

1. It is unlawful for any person to manage, supervise, maintain, provide, produce, possess, or use one (1) or multiple simulated gambling devices for commercial, promotional or pecuniary gain or purpose.
2. Each individual act of managing, supervising, maintaining, providing, producing, possessing, or using a simulated gambling device constitutes a separate violation of this article.
 - a) For example, if a person possesses five (5) simulated gambling devices, that person would be subject to a separate penalty for each of the five (5) devices.
 - b) For example, if a person possesses two (2) simulated gambling devices that the person sells to another individual, the person will have committed four (4) acts in violation of this article, and would be subject to a separate penalty for possessing each of the two (2) devices and a separate sanction for providing each of the two (2) devices.
 - c) For example, if a person employed at an establishment, supervises the establishment, and the establishment has ten (10) simulated gambling devices, that person would be subject to a separate penalty for each of the ten (10) devices.

Sec. 2-21-154. – Exemptions.

1. This article does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.
2. This article does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by Section 546.10, Florida Statutes, or other provision of the Florida Statutes and not otherwise permitted by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this article.
3. This article does not prohibit a religious or charitable organization from

Commented [A4]: The definition of a slot machine in chapter 551, Florida Statutes, applies to legal slot machines operated in pari-mutuel facilities in Miami-Dade and Broward Counties that are licensed by the Florida Gaming Control Commission.

The definition of an illegal slot machine is found in section 849.16, Florida Statutes. Significantly, section 849.16, Florida Statutes, provides that "[t]here is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value."

To the extent that this Ordinance seeks to address illegal slot machine gaming, the Commission recommends using the definition set forth in Section 849.16, Florida Statutes.

Commented [A5]: Section 849.15, Florida Statutes, strictly prohibits the possession of slot machines, regardless of whether they are used for a commercial, promotional, or pecuniary gain or purpose.

The Commission is concerned that this prohibition, as drafted, and read together with the exemptions in Section 2-21-154, conflicts with Chapter 849, Florida Statutes, and that bad actors may use this distinction, in combination with the exception in Section 2-21-154, to circumvent Florida law.

Commented [A6]: Section 2-21-154 could be read as authorizing individuals to possess illegal slot machines if their ownership is personal, recreational, and non-commercial. Such authorization would conflict with the prohibition on slot machines set forth in section 849.15, Florida Statutes.

Commented [A7]: This provision may have intended to read as "not otherwise prohibited by the Florida Constitution."

Commented [A8]: The Commission is concerned that subsection 3 conflicts with state law.

Specifically, under section 849.0931, Florida Statutes, religious or charitable organizations may conduct paper bingo without time limitations. Under section 849.0935, Florida Statutes, certain nonprofit organizations may conduct drawings and raffles, also without any time limitations.

But chapter 849, Florida Statutes, does not authorize religious and charitable organizations to possess slot machines, including devices defined herein as "simulated gambling devices." Under Chapter 849, a religious or charitable organization cannot conduct slot machine gaming, as the term is defined in section 849.16, Florida Statutes, regardless of the reason.

conducting a fund raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one (1) calendar year for no more than six (6) hours per fund raising activity, the organization provides advance written notice to the Manatee County Sheriff's Office of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

4. This article does not apply to pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Chapter 550, Florida Statutes, and Chapter 61D, Florida Administrative Code, or to any devices or games therein.

Sec. 2-21-155. – Conflict with state law.

Nothing in this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this article and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

Sec. 2-21-156. – Enforcement; penalties; civil remedies and criminal prosecution.

Manatee County Code Enforcement Officers and the Manatee County Sheriff and his or her designees, as outlined in a written enforcement policy between those agencies, shall have concurrent jurisdiction to investigate and enforce the requirements of this article as follows:

1. By the issuance of a written cease and desist notice/order. Occupancy or operation of any structure or property where any simulated gambling device is being used or operated in violation of this article shall immediately cease upon the issuance of a cease and desist notice/order. Such notice/order shall be in writing and shall be given to the owner of the property or to his or her agent or to the person operating any establishment where any simulated gambling device is being used or operated in violation of this article. Failure to comply with the terms and conditions of a cease and desist notice/order issued pursuant to this article shall constitute an additional violation of this article. A cease and desist notice/order may be lifted by the issuer or his or her supervisor upon demonstration that all simulated gambling devices have been removed and all applicable civil penalties have been fully paid.

2. By the issuance of a civil citation, as provided in chapter 2-7, article III, section 2-7-40 through section 2-7-44 of the Manatee County Code of Ordinances, as may be amended.

3. By an action for injunctive relief through a court of competent jurisdiction. An action for injunctive relief may be brought by the board of county commissioners or the state attorney. If such action is successful, a judgment for reasonable attorney's fees and costs may be awarded by the court.

4. By prosecution as a misdemeanor. A violation of this article that is a civil violation may be reclassified to a misdemeanor of the second degree, punishable by up

Commented [A9]: As discussed above, pari-mutuel facilities in Manatee County are not authorized to possess slot machines, as such term is defined in section 849.16, Florida Statutes.

Therefore, this provision could be read to conflict with state law and with the provisions of the 2021 Compact between the Seminole Tribe of Florida and the State of Florida.

Commented [A10]: Under section 849.01 and section 849.23, Florida Statutes, keeping a gambling house and possession of a slot machine within the meaning of section 849.16, Florida Statutes, respectively, are second-degree misdemeanors, even if the conditions of subsection 4(a)-(e) are not met. The Commission is concerned that this provision could be misread to require civil action before criminal charges could be filed against violators of sections 849.01 and 849.15, Florida Statutes, and that only certain violators could be charged for a misdemeanor.

In addition to conflicting with state law, this provision could interfere with the Commission's law enforcement efforts.

The Commission recommends that localities seeking to adopt ordinances to address violations of Section 849.01 consider resources provided in Chapter 2026-145, Laws of Florida.

to sixty (60) days imprisonment in the county jail and a fine of up to five hundred dollars (\$500.00), if, at the time of the violation:

- a) The violator manages, supervises, maintains, provides, produces, possesses, or uses five (5) or more simulated gambling devices for commercial, promotional, or pecuniary gain or purpose;
- b) The violator has one (1) or more prior convictions for a violation of this article or has been found, on one (1) or more occasions, to have committed a violation of this article. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
- c) The violator has one (1) or more prior convictions for a violation of any provision of Chapter 849, Florida Statutes. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered;
- d) The violator has previously entered in any pretrial intervention program or diversion program for any violation of this article, a substantially similar ordinance of another jurisdiction, or any provision of Chapter 849, Florida Statutes; or
- e) The violator is in violation of a cease-and-desist order issued pursuant to this article at the time the violations occur.