

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.

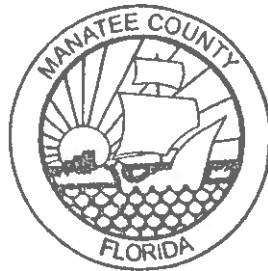
Section 3. Areas Embraced. This Ordinance shall be effective in the unincorporated areas of the County only.

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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