

**EMERGENCY ORDINANCE 2021-20**

**AN EMERGENCY ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING CHAPTER 87, ARTICLE I, IN THE CITY'S CODE OF ORDINANCES TITLED "PROHIBITING GAMBLING, SIMULATED GAMBLING DEVICES AND CASINOS"; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, s. 2(b), Art. VIII of the Florida Constitution and Chapter 166, Florida Statutes, conferred upon cities the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, casinos and commercial electronic simulated gambling devices could adversely impact surrounding communities; and

**WHEREAS**, except as authorized by Chapter 550, Florida Statutes, and section 849.086, Florida Statutes, gaming and gambling are not presently lawful in the City of Doral; and

**WHEREAS**, Article X, Section 23 of the Florida Constitution, as adopted in a 2004 Amendment to the Florida Constitution, authorizes slot machine gaming only in in specific eligible and licensed facilities in Broward and Miami-Dade Counties, Florida, provided the voters of such county approve the referendum question by majority vote; and

**WHEREAS**, the Mayor and Council find that it is in the best interest of the public health, safety and general welfare of the residents of Doral to prohibit gambling and casinos in the City of Doral.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:**

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**Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Creation.** Chapter 87, Article I of the City's Code of Ordinances to be entitled Prohibiting Gambling, Simulated Gaming Devices and Casinos is hereby created to read as follows:

**Section 3. Scope.** This article shall be effective throughout all zoning districts in Doral.

**CHAPTER 87. PROHIBITING GAMBLING, SIMULATED GAMBLING DEVICES AND CASINOS**

**ARTICLE I.**

**Section 1 - Definitions.**

- (a) "Fantasy contest" shall include, but not be limited to, a fantasy or simulation sports game or contest in which contest participants manage a fantasy or simulation sports team for prizes or money in any gambling or casino use in the city.
- (b) "Gambling" means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, but does not include:
1. Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or to the owners of entries; or

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2. Bona fide business transactions which are valid under the law of contracts; or
3. Other acts or transactions now or hereafter expressly permitted.

(c) "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.

(d) "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":

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

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- of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.
3. The term "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.
  4. The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
  5. The term "computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
  6. The term "game" includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a 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.
  7. The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

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8. The use of the word "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this Part 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.
- (e) The term "Slot machine" means any electrical, mechanical or electromechanical device which is adapted for use such that by the insertion of coin(s), token(s) or other method of payment the device will allow an operator to play or operate the machine such that the device displays pictures, icons or other images which may, depending upon the displayed combination of said pictures, icons or other images, allow the operator to obtain an item or items of value, including but not limited to money, objects or coupons. Such devices shall be deemed slot machines regardless of whether the operation of the device is affected by chance, by the application of skill or by any combination thereof.

## **Section 2 - Intent - Gambling and casinos are prohibited uses in the City of Doral**

- (a) The playing or engaging in any game of cards, keno, roulette, faro, or other game of chance, at any place, by any device, whatever, for money or other thing of value, shall be considered to be "gambling." An establishment in which gambling occurs is a casino.
- (b) Gambling and casinos are prohibited in the City of Doral. Gambling and casino uses shall include all uses authorized pursuant to F.S. chs. 550 and 551, as may be amended from time to time: and "fantasy contests." as defined above. These

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uses are prohibited in any zoning category within the city, whether as a main, conditional, or accessory use.

- (c) No business tax receipt shall issue for the aforementioned uses, which may also include, but not be limited to: any machine of chance (device) regulated by the state compact or F.S. chs. 550 and 551, as may be amended from time to time, pari-mutuel uses, horse racing, dog racing, jai alai, fantasy contests and associated gambling or casino related uses. The terms "gambling" and "casino" shall be provided the broadest definition despite any amendments the state legislature may make to the above referenced chapters of the Florida Statutes.

### **Section 3 - Exemptions.**

The following uses are exempt from the city's definition of gambling:

- (a) The lottery regulated under F.S. ch. 24.
- (b) Penny-ante games pursuant to F.S. § 849.085.
- (c) Condominium associations, cooperatives, homeowners' associations, charitable, nonprofit, veteran organizations or religious organizations, authorized to hold drawings by chance, drawings, or raffles pursuant to F.S. § 849.0931(2) through (9), and § 849.0935.
- (d) Game promotion in connection with the sale of consumer products or services pursuant to F.S. § 849.094.

**Section 4. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to

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take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 5.**      **Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**Section 6.**      **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 7.**      **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 8.**      **Effective Date.** This Emergency Ordinance shall become effective on May 12, 2021.

The foregoing Emergency Ordinance was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Councilmember Mariaca upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 12 day of May, 2021.

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY

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