



Legislation Text

File #: 130633., **Version:** 2

MORATORIUM ON INTERNET GAMING/GAMBLING BUSINESSES (B)

Ordinance No. 130633

An ordinance of the City of Gainesville, Florida, enacting a temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any internet gaming/gambling business within the city limits, providing a severability clause; providing repealing clauses; and providing an effective date.

The City Commission adopt the proposed ordinance.

On January 16, 2014, the City Commission approved a 6-month moratorium to immediately prohibit the filing, acceptance, or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any internet gaming/gambling business (commonly referred to as "internet cafes") within city limits. The purpose of this moratorium is to temporarily prevent the further establishment and proliferation of internet gaming/gambling businesses throughout the City during a period that provides the City with sufficient time to hold public hearings, and adopt, if necessary, an ordinance amending the City of Gainesville Code of Ordinances to prohibit such uses throughout the City. To properly effectuate this temporary moratorium, this ordinance prohibits any official action of the City as described above, unless an application for such official action was properly filed with the City on or before 5:00 p.m. on January 16, 2014.

In order to allow time to draft and process an ordinance to prohibit internet gaming/gambling businesses, this ordinance extends the moratorium through 11:59 Pm on September 18, 2014. This is slightly longer than approved by the City Commission on January 16, 2014, but is necessary to process the subsequent prohibition ordinance.

The Gainesville Police Department recommends the moratorium and subsequent prohibition as necessary to preserve the public peace and to safeguard the health, safety, morals and welfare of the community and citizens thereof. Internet gaming/gambling businesses, as will be further described below, are inherently deceptive and allow users to take part in activities as if they were engaging in gambling activities prohibited by Florida law. It is well documented that gambling can lead to harmful behavior and is often an addictive activity that has an unreasonable adverse effect upon persons that are statistically at risk for gambling addictions and other similar compulsive behaviors. There is also a direct relationship between internet gaming/gambling businesses and disturbances of the peace and good order of the community. Finally, state law (as most recently clarified by the Florida Legislature in 2013) makes internet gaming/gambling businesses unlawful in the State of Florida. However, enforcement of these state laws by local authorities occurs "after-the-fact" (i.e., after the opening and operation of such establishments) and is often difficult and costly given that a local government cannot readily determine, absent a law enforcement investigation and clear understanding of the state gambling laws, whether such an operation is lawful. Therefore, this moratorium and subsequent prohibition will serve a valid public purpose, will operate in harmony with state law, and will provide the City with a clear and proactive mechanism for elimination of these establishments.

