



**Hallandale Beach**  
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400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

|   |                                  |           |  |  |                       |                               |                |
|---|----------------------------------|-----------|--|--|-----------------------|-------------------------------|----------------|
| <b>Meeting Date:</b>                                      | September 21, 2016               |           | <b>Item Type:</b><br><i>(Enter X in box)</i>   | <b>Resolution</b>  | <b>Ordinance</b><br>X | <b>Other</b>                  |                |
| <b>Fiscal Impact:</b><br><i>(Enter X in box)</i>          | <b>Yes</b>                       | <b>No</b> | <b>Ordinance Reading:</b><br><i>(Enter X in box)</i>   | <b>1<sup>st</sup> Reading</b><br>X                         |                       | <b>2<sup>nd</sup> Reading</b> |                |
|   |                                  | X         |  | <b>Public Hearing:</b><br><i>(Enter X in box)</i>          | <b>Yes</b>            | <b>No</b><br>X                | <b>Yes</b>     |
|   | <b>Funding Source:</b>           | NA        |  | <b>Advertising Requirement:</b><br><i>(Enter X in box)</i> | <b>Yes</b>            |                               | <b>No</b><br>X |
| <b>Account Balance:</b>                                   | NA                               |           | <b>Quasi Judicial:</b><br><i>(Enter X in box)</i>  | <b>Yes</b>   |                       | <b>No</b><br>X                |                |
| <b>Project Number :</b>                                   | NA                               |           | <b>RFP/RFQ/Bid Number:</b>   | NA   |                       |                               |                |
| <b>Contract/P.O. Required:</b><br><i>(Enter X in box)</i> | <b>Yes</b>                       | <b>No</b> | <b>Strategic Plan Priority Area:</b> <i>(Enter X in box)</i><br><br><b>Safety</b> <input type="checkbox"/><br><b>Quality</b> <input checked="" type="checkbox"/><br><b>Vibrant Appeal</b> <input type="checkbox"/> |  |                       |                               |                |
|   |                                  | X         |  |  |                       |                               |                |
| <b>Sponsor Name:</b>                                      | Daniel Rosemond,<br>City Manager |           | <b>Department:</b><br>Parks and Recreation   | Cathie Schanz, CPRE, Director                              |                       |                               |                |

### Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 16 PARKS AND RECREATION, ARTICLE II, CONDUCTY, BY AMENDING SECTION 16-8 PROHIBITED ACTIVITES, TO ALLOW FOR PENNY-ANTE GAMES OF CHANCE AS ENUMERATED IN FLORIDA STATUTE SECTION 849.085 IN CITY PARKS, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

## **Staff Summary:**

### **BACKGROUND**

On September 2, 2015, the City Commission adopted Ordinance 2015-08, creating Chapter 16 “Parks and Recreation” codifying the rules and regulations within the City’s Parks system. Section 16-8(3), Prohibited Activities, specifically prohibits:

*Conduct any games of chance such as raffles, bingo games, dice, or card games for money; or hold drawings for prizes; or participate in any other forms of gambling.*

Florida Statute Section 849.085, “Certain penny-ante games not crimes; restrictions,” decriminalized certain games of chance declaring that under specific conditions they are not illegal. Penny-ante games are among the list of specified activities allowable within that section. Section 849.085(2)(a) Penny-ante game, means a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg in which the winnings of any player in a single round, hand, or game do not exceed \$10 in value.

### **CURRENT SITUATION**

The City has partnered with Memorial Hospital to offer a Memorial Seniors Program at the Cultural Community Center. The programming includes card games such as mah-jongg and bridge. As the City’s ordinance is more restrictive than State Statute, it is currently a violation of the City’s code to allow for penny-ante games.

It was recently brought to the City’s attention that members of the program have been following the regulations of the State Statute and engaging in penny-ante games. The City has recently received conflicting concerns regarding allowing and prohibiting this type of activity.

The attached ordinance proposes to amend Section 16-8 of the City’s Code of Ordinances to be consistent with State Statute and allow for the penny-ante games of chance enumerated by the State of Florida legislature to be played in the City’s Park System. The following underlined text will be added to the ordinance:

*Sec. 16-8. - Prohibited activities.*

*To ensure the enjoyment and safety of all users, the following activities are prohibited in city parks:*

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*(3) Conduct any games of chance such as raffles, bingo games, dice, or card games for money; or hold drawings for prizes; or participate in any other forms of gambling, with the exception of those penny-ante games of chance specifically enumerated in Section 849.085 of the Florida Statutes under the conditions specified.*

**WHY ACTION IS NECESSARY**

Pursuant to Article V, Section 5.01 of the City of Hallandale Beach Charter, a City Ordinance must be adopted by the City Commission to amend an existing Ordinance.

**FISCAL IMPACT**

There is no fiscal impact to this item.

**Proposed Action:**

Staff recommends approval of the attached proposed ordinance amending Chapter 16, Parks and Recreation, Section 16-8, Prohibited Activities, to be consistent with State Statute 849.085,

**Attachment(s):**

Exhibit 1 – Proposed Ordinance

Exhibit 2 – Florida Statute Section 849.085