



Hallandale Beach
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400 South Federal Hwy
Hallandale Beach, FL 33009

City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	<i>October 19, 2016</i>		Item Type: <small>(Enter X in box)</small>	Resolution	Ordinance <div style="text-align: center;">X</div>	Other		
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading		
		X				X		
				Public Hearing: <small>(Enter X in box)</small>	Yes	No	Yes	No
Funding Source:	NA		Advertising Requirement: <small>(Enter X in box)</small>	Yes		No		
				X				
Account Balance:	NA		Quasi Judicial: <small>(Enter X in box)</small>	Yes		No		
						X		
Project Number :	NA		RFP/RFQ/Bid Number:	NA				
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: <small>(Enter X in box)</small> <div style="display: flex; justify-content: space-between;"> <div>Safety</div> <input type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Quality</div> <input checked="" type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Vibrant Appeal</div> <input type="checkbox"/> </div>					
Sponsor Name:	<i>Daniel Rosemond, City Manager</i>		Department: <i>Parks and Recreation</i>		<i>Cathie Schanz, CPRE, Director</i>			

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.

The Ordinance was passed on First Reading on September 21, 2016.

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:

(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