

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, MAKING IT UNLAWFUL FOR THE OWNER, LESSEE, OPERATOR OR MANAGER OF CERTAIN LANDS AND IMPROVEMENTS LOCATED IN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY THAT ARE IN PROXIMITY TO RESIDENTIALLY ZONED LANDS, SCHOOLS, CHURCHES OR SIMILAR INSTITUTIONS TO ALLOW PERSONS TO USE SUCH LANDS OR IMPROVEMENTS TO BOARD, EXIT OR REBOARD BOATS AND VESSELS THAT CONTAIN CERTAIN GAMBLING OR GAMING DEVICES OR THAT PROVIDE GAMING OR GAMBLING ACTIVITIES THAT ARE ILLEGAL IN FLORIDA FOR ITS PASSENGERS OR CREW; PROVIDING EXEMPTIONS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. The Board of County Commissioners of St. Johns County, Florida (the "Board") finds and determines the following:

- A. Florida Statutes, Chapter 849 prohibits certain gaming and gambling activities and the possession of certain gambling and gaming machines and devices; and
- B. By referendum the citizens of the State of Florida recently defeated an attempt to legalize casino gambling within the State; and
- C. The Board has been advised that in Hancock, Mississippi the following criminal activities increased by the indicated percentages from the time period January - June 1993 (before casino gambling was established in that city) to the time period January - June 1994 (after casino gambling was established in that city):

|                   | % Increase |
|-------------------|------------|
| Stolen Vehicles   | 177%       |
| Assaults          | 185%       |
| Burglaries        | 99%        |
| Fights            | 191%       |
| Vandalism         | 190%       |
| Suicides          | 900%       |
| Thefts            | 219%       |
| Child Molestation | 353%       |

- D. The Florida Legislature has declared in Section 849.20, Florida Statutes, that the gambling and gaming machines and devices that are prohibited by Sections 849.15 - 849.23, Florida Statutes, and the boats wherein they are maintained or operated are common nuisances; and
- E. On July 22, 1997 the Circuit Court, Seventh Judicial Circuit in and for St. Johns County, Florida entered an order wherein the Court concluded that each state may pass legislation that avoids the exemption for cruise ships carrying gambling equipment operating under U.S. Flag restriction; and
- F. St. Johns County, Florida is a political subdivision of the State of Florida, authorized by Sections 125.01(1)(w) and 125.01(1)(t), Florida Statutes, to carry on county government, including to the extent not inconsistent with general or special law, the power to adopt ordinances and prescribe penalties for the violation of its ordinances and to exercise all powers and privileges not specifically prohibited by law; and
- G. Section 125.01(3)(b), Florida Statutes, mandates that the provisions of Section 125.01, Florida Statutes, "shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution."

Section 2. It shall be unlawful for any person or entity that owns, leases, operates or controls (i) any establishment, facility and/or parcel of land with a waterfront location that is located within the unincorporated area of St. Johns County or (ii) any submerged lands or improvements thereon that are located within the unincorporated area of St. Johns County, any of which are within 1250 feet of a parcel of land that is zoned for residential use or that is the site of an established school, church or substantially equivalent institution, to allow any person to use, or to fail to prevent any person from using, such establishment, facility, land or the improvements thereon as an entrance way, dock or boarding facility to board, exit, or reboard any boat, ship, watercraft or vessel that (i) contains any gambling or gaming paraphernalia, machine or device that the Florida Legislature has declared in Section 849.20, Florida Statutes, to be a common nuisance or that (ii) provides gaming or gambling activities for its passengers or crew that are illegal within the State of Florida whether such activities occur within or without the boundaries of St. Johns County. The distance shall be measured by following the shortest route of ordinary pedestrian travel along the closest public thoroughfare from the main entrance of the docking, mooring or berthing facility at which the vessel boards, exits, or reboards any person to the closest edge of the residentially zoned land; to the main entrance of the church, and in the case of a school, to the nearest point of the school grounds in use as part of the school facilities. The words and phrases used herein shall have the definitions ascribed to them in Florida Statutes, Chapter 849.

Section 3. Exemption. The prohibitions of Section 2 of this ordinance shall not apply when the person(s) board, exit and/or reboard the boat, watercraft, ship or vessel for the sole purpose

of mitigating or responding to a bona fide life, health or property threatening emergency.

Section 4. Any person or entity violating any of the provisions of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violation shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each incident or separate occurrence of an act that violates this ordinance shall be deemed a separate offense.

Section 5. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall be effective upon filing with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 28th day of April, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd  
Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Wonne Carter  
Deputy Clerk

Effective Date: May 4, 1998



# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_

Sandra D. Oliver

who on oath says that she is

Accounting Clerk

of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a \_\_\_\_\_

Display Ad

in the matter of Notice of Public Hearing

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of April 3, 1998

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 10 day of April, 1998,

by Sandra D. Oliver who is personally

known to me or who has produced Personally Known as

(Type of Identification)

identification.

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss  
MY COMMISSION # CC841814 EXPIRES  
August 22, 2001  
BONDED THRU TROY FARM INSURANCE, INC.

(Seal)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)

Ordinance Book 21 Page 179

# NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold the first of two public hearings at its regular meeting on Tuesday, April 14, 1998 at 1:30 p.m. and the final public hearing on Tuesday, April 28, 1998 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. #1 North), St. Augustine, Florida; at the final public hearing the Board will consider adoption of the following ordinance:

## ORDINANCE NO. 98-

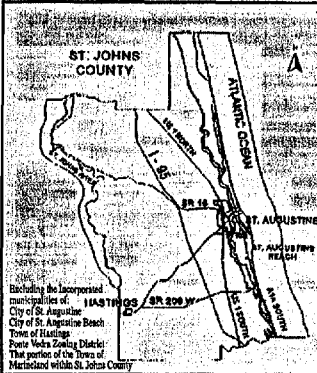
**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, MAKING IT UNLAWFUL FOR THE OWNER, LESSEE, OPERATOR OR MANAGER OF CERTAIN LANDS AND IMPROVEMENTS LOCATED IN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY THAT ARE IN PROXIMITY TO RESIDENTIALLY ZONED LANDS, SCHOOLS, CHURCHES OR SIMILAR INSTITUTIONS TO ALLOW PERSONS TO USE SUCH LANDS OR IMPROVEMENTS TO BOARD, EXIT OR REBOARD BOATS AND VESSELS THAT CONTAIN CERTAIN GAMBLING OR GAMING DEVICES OR THAT PROVIDE GAMING OR GAMBLING ACTIVITIES THAT ARE ILLEGAL IN FLORIDA FOR ITS PASSENGERS OR CREW; PROVIDING EXEMPTIONS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida, and may be examined by parties interested prior to the said public hearings. Please take note that the ordinance is subject to revision prior to the hearings or adoption of the ordinance. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32095.

For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770; no later than 5 days prior to the dates of these hearings.



BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrande, Deputy Clerk

# The St. Augustine Record

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ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

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Sandra D. Oliver who on oath says that she is  
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Sworn to and subscribed before me this 30 day of April, 1998,

by Sandra D. Oliver who is personally

known to me or who has produced Personally Known as

identification. (Type of Identification)

Zoe Ann Moss (Signature of Notary Public)  
Zoe Ann Moss (Seal)



Zoe Ann Moss  
MY COMMISSION # GC841814 EXPIRES  
August 22, 2001  
BONDED THRU TROY FAIR INSURANCE, INC.

(Print, Type or Stamp Commissioned Name of Notary Public)

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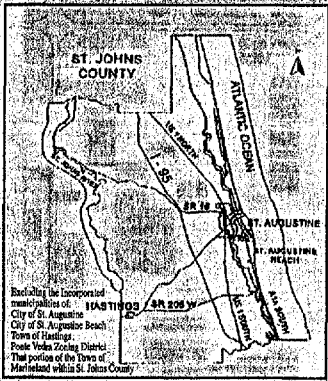
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BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrande, Deputy Clerk