

**SUMTER COUNTY
SPECIAL MASTER PROCEEDING**

REQUESTED ACTION: Adopt Sumter County Land Development Code provisions for internet cafes and other electronic gaming businesses.

STAFF RECOMMENDATION: Approval

ANALYSIS:

The Special Master has reviewed the proposed ordinance regarding internet cafes and electronic gaming businesses (“internet cafes”). The Special Master has also reviewed the sections of the existing Sumter County Land Development Code noted in the staff report which will be affected or amended by the proposed ordinance.

At the hearing, there was substantial public input regarding activities occurring at existing internet cafes, especially in the Lake Panasoffkee area. Specifically, residents expressed concerns regarding drug dealing, late operating hours, insufficient security, loitering, the proximity of existing cafes to places of worship, excessive ornamental lighting, and insufficient parking lot lighting at existing internet cafes.

Residents made the following suggestions regarding the content of the ordinance:

1. Amending the closing time for all internet cafes from 12:00 A.M. to 10:00 P.M.
2. Implementing an overall cap on the number of internet cafes in Sumter County.
3. Requiring off duty Sumter County Sheriff’s Deputies to be hired as security in lieu of the private security required by the ordinance.
4. Adding provisions to the ordinance which allow an internet café to be designated a nuisance, which would result in the termination or suspension of the café’s operating license.

The Special Master declined to recommend specific text changes to the proposed ordinance, as the ordinance was crafted based on existing data, including law enforcement call times. After hearing comments from staff and the county attorney, the Special Master finds it is likely the number of internet cafes will be limited by the proposed setback requirements from schools and places of worship, the limited number of zoning categories available in the proposed ordinance for operation of a new internet café, and the proposed operational license application requirement. The Special Master is not aware of data in the record to support a specific cap number for internet cafes in Sumter County.

A representative of the Sumter County Sheriff's Office was not present to confirm that sufficient resources exist to implement suggestions regarding the utilization of off duty deputies for internet café security.

Finally, the existing code provisions regarding nuisances would need to be amended or referenced if a specific nuisance designation provision was to be included. Such extensive code amendment would require extensive review and drafting work by staff and the county attorney.

Representatives of the gaming industry and owners of internet cafes were also present. These individuals suggested the following amendments to the draft ordinance:

1. Extending the allowed hours of operation past 12:00 A.M.
2. Allowing internet cafes with minimal complaints or interactions with law enforcement to forego the requirement of onsite licensed security.

Again, the Special Master declined to recommend such amendments in the absence of supporting data. In fact, extending internet cafe hours of operation past 12:00 A.M. would be inconsistent with Sheriff's Office data which indicates a significant increase in calls after that hour.

The inclusion of off-duty deputies as an alternative to licensed private security would be consistent with the existing land development regulations. However, again, the Special Master is not comfortable making such a recommendation without input from the Sumter County Sheriff's Office regarding service capacity.

The Special Master finds that utilizing an internet café's law enforcement call history to determine whether on-site licensed security is required may be excessively arbitrary. Law enforcement activity variations are unpredictable, and the Special Master is concerned that such a distinction would ultimately lead to similarly situated establishments being treated differently without the rational basis required by law.

SPECIAL MASTER RECOMMENDATION:

Pursuant to Section 163.3174, Florida Statutes and Section 13-302 of the Sumter County Land Development Code, the Special Master finds the proposed ordinance as drafted to be consistent with the Sumter County Land Development Code and the goals and policies of the Unified Comprehensive Plan and recommends APPROVAL of the ordinance to the Board of County Commissioners at the commission meeting currently scheduled for January 11, 2022.

ORDERED this 20th day of December, 2021.



Derrill L. McAteer, Special Master FBN 0628972