

A bill to be entitled

An act relating to amusement games or machines;
 creating the "Family Amusement Games Act"; creating s.
 546.10, F.S.; providing definitions; providing
 applicability; authorizing amusement games or machines
 in conformance with specified provisions; authorizing
 direct receipt of merchandise under certain
 circumstances; providing a cap on the redemption value
 of points or coupons; requiring the Department of
 Revenue to recalculate and publish the cap annually;
 providing for enforcement actions; amending s.
 551.102, F.S.; conforming a cross-reference; repealing
 s. 849.161, F.S., relating to amusement games or
 machines; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Family Amusement Games Act."

Section 2. Section 546.10, Florida Statutes, is created to read:

546.10 Amusement games or machines.—

(1) As used in this section, the term:

(a) "Amusement game or machine" means a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting currency or a coin,

27 card, coupon, slug, token, or similar device, and, by
28 application of skill, the person playing or operating the game
29 or machine controls the outcome of the game. The term does not
30 include:

31 1. Casino-style games in which the outcome of the game is
32 determined by factors unpredictable by the player.

33 2. Games in which the player does not control the outcome
34 of the game through skill.

35 3. Video poker games or any other games or machines that
36 may be construed as a gambling device under the laws of this
37 state.

38 4. Any game or device defined as a gambling device in 15
39 U.S.C. s. 1171, unless excluded under s. 1178.

40 (b) "Arcade amusement center" means a place of business
41 having at least 50 amusement games or machines on premises which
42 is operated for the entertainment of the general public and
43 tourists as a bona fide amusement facility.

44 (c) "Game played" means the event beginning with
45 activation of the amusement game or machine and ending when the
46 results of play are determined without the insertion of any
47 additional currency, coin, card, coupon, slug, token, or similar
48 device to continue play. Free replays are not separate games
49 played.

50 (d) "Merchandise" means noncash prizes, including toys and
51 novelties. The term does not include:

52 1. Cash equivalents, including gift cards or certificates.

53 2. Alcoholic beverages.

54 3. Cards, coupons, points, slugs, tokens, or similar
 55 devices that can be used to activate an amusement game or
 56 machine.

57 4. Points or coupons that have a redemption value greater
 58 than the maximum value determined under subsection (7).

59 (e) "Redemption value" means the imputed value of coupons
 60 or points, based on the wholesale cost of onsite merchandise for
 61 which those coupons or points may be redeemed.

62 (f) "Truck stop" means a dealer registered pursuant to
 63 chapter 212, excluding marinas, which:

64 1. Declared its primary fuel business to be the sale of
 65 diesel fuel; and

66 2. Operates a minimum of six functional diesel fuel pumps.

67 (2) Notwithstanding chapter 551, chapter 849, or any other
 68 provision of law, amusement games or machines may be operated as
 69 provided in this section.

70 (3) This section applies only to amusement games or
 71 machines as defined in subsection (1) and does not authorize:

72 (a) Casino-style games in which the outcome of the game is
 73 determined by factors unpredictable by the player.

74 (b) Games in which the player does not control the outcome
 75 of the game through skill.

76 (c) Video poker games or any other game or machine that
 77 may be construed as a gambling device under the laws of this
 78 state.

79 (d) Any game or device defined as a gambling device in 15
 80 U.S.C. s. 1171, unless excluded under s. 1178.

81 (4) An amusement game or machine may entitle or enable a
 82 person, by application of skill, to replay the game or device
 83 without the insertion of any additional currency, coin, card,
 84 coupon, slug, token, or similar device, if:

85 (a) The amusement game or machine can accumulate and react
 86 to no more than 15 such replays.

87 (b) The amusement game or machine can be discharged of
 88 accumulated replays only by reactivating the game or device for
 89 one additional play for each accumulated replay.

90 (c) The amusement game or machine cannot make a permanent
 91 record, directly or indirectly, of any free replay.

92 (5) An amusement game or machine may entitle or enable a
 93 person, by application of skill, to receive points or coupons
 94 that may only be redeemed onsite for merchandise, if:

95 (a) The amusement game or machine is located at an arcade
 96 amusement center, truck stop, bowling center as defined in s.
 97 849.141, or public lodging establishment or public food service
 98 establishment licensed pursuant to chapter 509;

99 (b) The points or coupons have no value other than for
 100 redemption onsite for merchandise;

101 (c) The redemption value of the points or coupons a person
 102 receives for a single game played does not exceed the maximum
 103 value determined under subsection (7); and

104 (d) The redemption value of points or coupons that a
105 person receives for playing multiple games simultaneously or
106 competing against others in a multiplayer game does not exceed
107 the maximum value determined under subsection (7).

108 (6) An amusement game or machine that allows the player to
109 manipulate a claw or similar device within an enclosure may
110 entitle or enable a person, by application of skill, to receive
111 merchandise directly from the game or machine, if:

112 (a) The amusement game or machine is located at an arcade
113 amusement center, truck stop, bowling center as defined in s.
114 849.141, public lodging establishment or public food service
115 establishment licensed pursuant to chapter 509, or on the
116 premises of a retailer as defined in s. 212.02; and

117 (b) The wholesale cost of the merchandise does not exceed
118 10 times the maximum value determined under subsection (7).

119 (7) For purposes of this section, the maximum value is
120 \$5.25. Beginning July 1, 2016, and annually thereafter, the
121 Department of Revenue shall adjust the maximum value by
122 multiplying the value by the sum of 1 plus the percentage change
123 in the Consumer Price Index for All Urban Consumers, U.S. City
124 Average, or a successor index as calculated by the United States
125 Department of Labor, for the most recent 12-month period ending
126 March 31, and rounding the product to the nearest cent. The
127 Department of Revenue shall publish the maximum value, as
128 adjusted, in a brochure accessible from its website relating to
129 sales and use tax on amusement machines.

130 (8) Notwithstanding any other provision of law, an action
131 to enjoin the operation of any game or machine at any location
132 listed in paragraph (6) (a) pursuant to or for an alleged
133 violation of chapter 849 may be brought only by the Attorney
134 General, the state attorney for the circuit in which the game or
135 machine is located, any federally recognized tribal government
136 possessing sovereign powers and rights of self-government that
137 is a party to a compact with the state or, in the case of an
138 alleged violation of statutes that they are charged with
139 enforcing, the Department of Agriculture and Consumer Services
140 or the Department of Business and Professional Regulation.

141 Section 3. Subsection (8) of section 551.102, Florida
142 Statutes, is amended to read:

143 551.102 Definitions.—As used in this chapter, the term:

144 (8) "Slot machine" means any mechanical or electrical
145 contrivance, terminal that may or may not be capable of
146 downloading slot games from a central server system, machine, or
147 other device that, upon insertion of a coin, bill, ticket,
148 token, or similar object or upon payment of any consideration
149 whatsoever, including the use of any electronic payment system
150 except a credit card or debit card, is available to play or
151 operate, the play or operation of which, whether by reason of
152 skill or application of the element of chance or both, may
153 deliver or entitle the person or persons playing or operating
154 the contrivance, terminal, machine, or other device to receive
155 cash, billets, tickets, tokens, or electronic credits to be

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156 exchanged for cash or to receive merchandise or anything of
157 value whatsoever, whether the payoff is made automatically from
158 the machine or manually. The term includes associated equipment
159 necessary to conduct the operation of the contrivance, terminal,
160 machine, or other device. Slot machines may use spinning reels,
161 video displays, or both. A slot machine is not a "coin-operated
162 amusement machine" as defined in s. 212.02(24) or an amusement
163 game or machine as described in s. 546.10 ~~849.161~~, and slot
164 machines are not subject to the tax imposed by s. 212.05(1)(h).

165 Section 4. Section 849.161, Florida Statutes, is repealed.

166 Section 5. This act shall take effect July 1, 2015.