

By Representative Wiles

1                                   A bill to be entitled  
2           An act relating to video games; creating s.  
3           847.301, F.S.; creating the "Children's  
4           Protection from Violent Video Games Act of  
5           2002"; providing definitions; prohibiting sale  
6           or rental of video games under certain  
7           circumstances; restricting public display of  
8           certain video games; requiring official rating  
9           on specified video games; providing penalties;  
10          providing an effective date.

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12           WHEREAS, the Legislature intends to place reasonable  
13          restrictions on the sale and use of video games that contain  
14          violent or sexual content that is intended for use by adults  
15          only, and

16           WHEREAS, to that end, the Legislature finds that the  
17          use and observation of video games that contain violent or  
18          sexual content can be harmful to minors and that reasonable  
19          restrictions will significantly decrease the number of minors  
20          using these games, and

21           WHEREAS, nothing in this act shall be deemed to  
22          restrict adults' access to these games in restricted areas of  
23          businesses or in the privacy of their homes, and

24           WHEREAS, nothing in this act shall be construed to  
25          limit the exercise of free speech or picketing by any  
26          organization, group, or individual for the purpose of  
27          upholding community standards, NOW, THEREFORE,

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29          Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. This act may be cited as the "Children's  
2 Protection from Violent Video Games Act of 2002."

3           Section 2. Section 847.301, Florida Statutes, is  
4 created to read:

5           847.301 Video games; official rating of video games;  
6 prohibitions; penalties.--

7           (1) DEFINITIONS.--As used in this act, the term:

8           (a) "Adult" means a person who is not a minor.

9           (b) "Minor" means a person under 18 years of age.

10           (c) "Official rating" means the official rating of the  
11 Entertainment Software Rating Board or any other official  
12 rating organization.

13           (d) "Person" means an individual, corporation,  
14 partnership, or any other legal or commercial entity.

15           (e) "Prospective video game observer" means a person  
16 who can observe a video game at a place of business where  
17 video games are shown, displayed, or exhibited.

18           (f) "Rated for mature audiences" means any video game  
19 that has an official rating of "restricted," "mature," or  
20 another similar official designation that indicates that the  
21 video game shall be used only by adults. In a case where no  
22 rating is available, a designation of "rated for mature  
23 audiences" shall be made when a reasonable person can  
24 determine that the violent or sexual content of the video game  
25 is intended for adult use.

26           (g) "Video game" means any copy of a video game that  
27 is meant for use in a stand-alone arcade or that may be played  
28 with a hand-held gaming device using a television or computer.

29           (2) PROHIBITIONS ON SALE OR RENTAL OF VIDEO GAMES.--

30           (a) It is unlawful for a person to sell at retail or  
31 rent to another, or attempt to sell at retail or rent to

1 another, a video game in this state unless the official rating  
2 of the video game is clearly displayed on the outside of its  
3 cassette, case, jacket, or other covering. If the video game  
4 has no official rating, the video game shall be clearly and  
5 prominently marked as "not rated."

6 (b) It is unlawful for a person to sell at retail or  
7 rent, or attempt to sell at retail or rent, to a minor any  
8 video game rated for mature audiences that is clearly  
9 designated as a video game for mature users only. A person  
10 attempting to purchase or rent such a video game shall be  
11 required to show an identification card that includes such  
12 person's date of birth.

13 (3) RESTRICTION ON PUBLIC DISPLAY OF VIDEO GAMES FOR  
14 MATURE AUDIENCES.--

15 (a) A person who operates a place of business in which  
16 video games rated for mature audiences are available for use  
17 shall:

18 1. Restrict the use of video games rated for mature  
19 audiences to adults or a minor accompanied by an adult.

20 2. Locate video games rated for mature audiences away  
21 from the front of the business.

22 3. Separate video games rated for mature audiences  
23 from other types of entertainment by some physical barrier,  
24 such as a wall, door, curtain, gate, or rope. In an  
25 establishment where it is not possible to place video games  
26 rated for mature audiences in a separate room, the video game  
27 machines shall be positioned in such a way that they cannot be  
28 seen by prospective video game observers who are minors.

29 (b) A person who operates a place of business in which  
30 video games rated for mature audiences are shown, displayed,  
31 or exhibited, or the person's agent or employee, may require

1 proof of age before a game may be used or to determine the age  
2 of a prospective video game observer.

3 (c) An official rating is required for all video games  
4 designed for use in a place of business that is patronized by  
5 users and prospective video game observers who are minors.

6 (4) A person who violates any provision of this  
7 section commits a misdemeanor of the first degree, punishable  
8 as provided in s. 775.082 or s. 775.083.

9 Section 3. This act shall take effect July 1, 2002.

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11 HOUSE SUMMARY

12 Creates the "Children's Protection from Violent Video  
13 Games Act of 2002." Provides definitions. Prohibits sale  
14 or rental of video games under certain circumstances.  
15 Restricts public display of certain video games. Requires  
16 official rating on specified video games. Provides  
penalties.