

By the Committee on Criminal Justice; and Senator Miller

307-2178-02

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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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 730

- 4 1. The CS prohibits sale or rental of certain video games
5 to persons under the age of 18. The bill prohibited sale
6 or rental of a certain video games to persons under the
7 age of 21.
- 8 2. The CS applies to games that are rated for mature
9 audiences. The bill applied to games that included
10 nudity, sexual acts, excessive violence or criminal
11 conduct and that would be harmful to persons under age
12 21.
- 13 3. The CS does not require knowledge. The bill required
14 that the sale or rental be made with knowledge that the
15 purchaser or renter was a minor.
- 16 4. The CS provides that violation constitutes a first
17 degree misdemeanor. The bill provided that violation
18 constitutes a third degree felony.
- 19 5. The CS requires that the Entertainment Software Rating
20 Board or similar rating be displayed on the outside of a
21 video game's cover or case. The bill did not
22 specifically address ratings.
- 23 6. The CS provides the following provisions relating to
24 businesses where video games rated for mature audiences
25 are available for use. The bill did not address these
26 issues.
- 27 - Requires businesses to prohibit minors (under age
28 18) from using video games rated for mature
29 audiences unless accompanied by an adult.
 - 30 - Requires placement of video games rated for mature
31 audiences so as to prevent easy access and viewing
by minors.
 - Authorizes businesses to require proof of age
before allowing use of video games rated for
mature audiences.
 - Requires an official rating for all video games
designed for use in a place of business that is
patronized by minors.