

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.



1 Representative Greenstein offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause, and insert:

5 Section 1. Section 849.161, Florida Statutes, is amended
6 to read:

7 849.161 Amusement games or machines; when chapter
8 inapplicable.--

9 (1)(a)1. Nothing contained in this chapter shall be taken
10 or construed as applicable to an arcade amusement center having
11 amusement games or machines not proscribed by ss. 849.15 and
12 849.16 which operate by means of the insertion of a coin or
13 electronic token and which, solely by application of skill, may
14 entitle the person playing or operating the game or machine to
15 receive points or coupons which may be exchanged for merchandise
16 only, excluding cash, ~~and~~ alcoholic beverages, tobacco products,

798201

Amendment No. (for drafter's use only)

17 or coupons redeemable for cash, alcoholic beverages, or tobacco
18 products, provided the cost value of the merchandise or prize
19 awarded in exchange for such points or coupons does not exceed
20 75 cents on any game played. All points or coupons received by a
21 player may be exchanged for the specific product only at the
22 same business location where the game or machine operated by the
23 player is located. No points or coupons received by a player may
24 be exchanged for any gift certificate, mail order certificate,
25 or similar conveyance that is redeemable at another business
26 location or deliverable from a location other than where the
27 arcade amusement center is located.

28 2. Nothing contained in this chapter shall be taken or
29 construed as applicable to any retail dealer who operates as a
30 truck stop, as defined in chapter 336 and which operates a
31 minimum of 6 functional diesel fuel pumps, having amusement
32 games or machines which operate by means of the insertion of a
33 coin, electronic token, or other currency and which by
34 application of skill may entitle the person playing or operating
35 the game or machine to receive points or coupons which may be
36 exchanged for merchandise limited to noncash prizes, toys,
37 novelties, and Florida Lottery products, excluding alcoholic
38 beverages, provided the cost value of the merchandise or prize
39 awarded in exchange for such points or coupons does not exceed
40 75 cents on any game played. This subparagraph applies only to
41 games and machines which are operated for the entertainment of
42 the general public and tourists as bona fide amusement games or
43 machines. This subsection shall not apply, however, to any game
44 or device defined as a gambling device in chapter 24 of Title 15

798201

Amendment No. (for drafter's use only)

45 U.S.C. under s. 1171, which requires identification of each
46 device by permanently affixing seriatim numbering and name,
47 trade name, and date of manufacture under s. 1173, and
48 registration with the United States Attorney General, unless
49 excluded from applicability of the chapter under s. 1178. This
50 subsection shall not be construed to authorize video poker games
51 or any other game or machine that may be construed as a gambling
52 device under Florida law.

53 3. This chapter does not apply to any children's amusement
54 center having amusement games that operate by means of the
55 insertion of a coin or other currency or other token and that
56 may entitle the person operating the game or machine to receive
57 points or coupons that may be exchanged for noncash prizes,
58 toys, or novelties for children under the age of 14 years. As
59 used in this subparagraph, the term "children's amusement
60 center" means a place of business, the general concept or theme
61 of which is the amusement or entertainment of children under the
62 age of 14 years and that operates coin-operated amusement games
63 and machines in which the majority of such games or machines are
64 for the use or operation by children under the age of 14 years.
65 The term does not include any business that allows the use of
66 video poker games or any other game or device classified as a
67 gambling device in chapter 24 of Title 15 U.S.C under s. 1171
68 unless excluded from these requirements under subsection (2) or
69 (3) of s. 1178. Points or coupons received by a player may be
70 exchanged only at the same business or franchise thereof. Points
71 or coupons received by a player may not be exchanged for any
72 credit card, gift certificate, or similar conveyance, or for

798201

Amendment No. (for drafter's use only)

73 cash, alcoholic beverages, tobacco products, or coupons
74 redeemable for cash, alcoholic beverages, or tobacco products.

75 (b) Nothing in this subsection shall be taken or construed
76 as applicable to a coin-operated or electronic token operated
77 game or device designed and manufactured only for bona fide
78 amusement purposes and not proscribed by ss. 849.15 and 849.16,
79 which game or device may, solely by application of skill,
80 entitle the player to replay the game or device at no additional
81 cost, if the game or device: can accumulate and react to no more
82 than 15 free replays; can be discharged of accumulated free
83 replays only by reactivating the game or device for one
84 additional play for such accumulated free replay; can make no
85 permanent record, directly or indirectly, of free replays; and
86 is not classified by the United States as a gambling device in
87 chapter 24 of Title 15 U.S.C. under s. 1171, which requires
88 identification of each device by permanently affixing seriatim
89 numbering and name, trade name, and date of manufacture under s.
90 1173, and registration with the United States Attorney General,
91 unless excluded from applicability of the chapter under s. 1178.
92 This subsection shall not be construed to authorize video poker
93 games, or any other game or machine that may be construed as a
94 gambling device under Florida law.

95 (c) Nothing in this subsection with respect to arcade
96 amusement centers shall be taken or construed to abrogate or
97 limit the power of a local government to establish or amend the
98 zoning map designation of a parcel or parcels of land or change
99 the actual list of permitted, conditional, or prohibited uses

798201

Amendment No. (for drafter's use only)

100 within a zoning category and any local government may exercise
101 such power as provided by law.

102 (2) In addition and supplemental to any other authority
103 under law, the legislative and governing body of a county or
104 municipality shall have the power and authority to limit the
105 number of hours of operation of arcade amusement centers and may
106 also limit the number of machines allowed in such centers.

107 (3)(2) The term "arcade amusement center" as used in this
108 section means a place of business having at least 50 coin-
109 operated amusement games or machines on premises which are
110 operated for the entertainment of the general public and
111 tourists as a bona fide amusement facility.

112 (4) A game or machine that may be construed as a gambling
113 device under state law, including video poker games or a game or
114 device that resembles a gambling device as defined in chapter 24
115 of Title 15 U.S.C. under s. 1171, is prohibited at arcade
116 amusement centers.

117 Section 2. This act shall take effect upon becoming a law.

118

119 ===== T I T L E A M E N D M E N T =====

120 Remove the entire title and insert:

121 A bill to be entitled
122 An act relating to arcade amusement centers; amending s.
123 849.161, F.S.; revising provisions exempting certain
124 amusement centers from the application of gambling
125 regulations; providing for games or machines operated by
126 electronic token; restricting the use of points or coupons
127 received by players in arcade amusement centers;

HOUSE AMENDMENT

Bill No. HB 1531 CS

Amendment No. (for drafter's use only)

128 clarifying a reference; providing that specified gambling
129 provisions do not apply to children's amusement centers;
130 defining "children's amusement center"; providing for
131 construction relating to video poker, electronic token
132 operated games or devices, and powers of local
133 governments; providing that, with respect to arcade
134 amusement centers, local governments may establish or
135 amend the zoning map designation of a parcel or parcels of
136 land or change the actual list of permitted, conditional,
137 or prohibited uses within a zoning category; authorizing
138 local governments to limit the hours of operation of
139 arcade amusement centers and limit the number of machines
140 in such centers; prohibiting gambling devices at arcade
141 amusement centers; providing an effective date.

798201