

HB 1531

2004

A bill to be entitled

An act relating to arcade amusement centers; amending s. 849.161, F.S.; revising provisions exempting certain amusement centers from the application of gambling regulations; restricting the use of points or coupons received by players in arcade amusement centers; clarifying a reference; providing that, with respect to arcade amusement centers, local governments may establish or amend the zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category; authorizing local governments to limit the hours of operation of arcade amusement centers and limit the number of machines in such centers; providing an effective date.

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

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

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

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such

HB 1531

2004

30 points or coupons does not exceed 75 cents on any game played.
 31 All points or coupons received by a player may be exchanged only
 32 at the same business location where the game or machine operated
 33 by the player is located. No points or coupons received by a
 34 player may be exchanged for any gift certificate or similar
 35 conveyance that is redeemable at another business location.

36 2. Nothing contained in this chapter shall be taken or
 37 construed as applicable to any retail dealer who operates as a
 38 truck stop, as defined in chapter 336 and which operates a
 39 minimum of 6 functional diesel fuel pumps, having amusement
 40 games or machines which operate by means of the insertion of a
 41 coin or other currency and which by application of skill may
 42 entitle the person playing or operating the game or machine to
 43 receive points or coupons which may be exchanged for merchandise
 44 limited to noncash prizes, toys, novelties, and Florida Lottery
 45 products, excluding alcoholic beverages, provided the cost value
 46 of the merchandise or prize awarded in exchange for such points
 47 or coupons does not exceed 75 cents on any game played. This
 48 subparagraph applies only to games and machines which are
 49 operated for the entertainment of the general public and
 50 tourists as bona fide amusement games or machines. This
 51 subsection shall not apply, however, to any game or device
 52 defined as a gambling device in chapter 24 of Title 15 U.S.C.
 53 under s. 1171, which requires identification of each device by
 54 permanently affixing seriatim numbering and name, trade name,
 55 and date of manufacture under s. 1173, and registration with the
 56 United States Attorney General, unless excluded from
 57 applicability of the chapter under s. 1178. This subsection
 58 shall not be construed to authorize video poker games or any

HB 1531

2004

59 other game or machine that may be construed as a gambling device
60 under Florida law.

61 (b) Nothing in this subsection shall be taken or construed
62 as applicable to a coin-operated game or device designed and
63 manufactured only for bona fide amusement purposes which game or
64 device may by application of skill entitle the player to replay
65 the game or device at no additional cost, if the game or device:
66 can accumulate and react to no more than 15 free replays; can be
67 discharged of accumulated free replays only by reactivating the
68 game or device for one additional play for such accumulated free
69 replay; can make no permanent record, directly or indirectly, of
70 free replays; and is not classified by the United States as a
71 gambling device in chapter 24 of Title 15 U.S.C. under s. 1171,
72 which requires identification of each device by permanently
73 affixing seriatim numbering and name, trade name, and date of
74 manufacture under s. 1173, and registration with the United
75 States Attorney General, unless excluded from applicability of
76 the chapter under s. 1178. This subsection shall not be
77 construed to authorize video poker games, or any other game or
78 machine that may be construed as a gambling device under Florida
79 law.

80 (c) Nothing in this subsection with respect to arcade
81 amusement centers shall be taken or construed to abrogate or
82 limit the power of a local government to establish or amend the
83 zoning map designation of a parcel or parcels of land or change
84 the actual list of permitted, conditional, or prohibited uses
85 within a zoning category and any local government may exercise
86 such power as provided by law.

HB 1531

2004

87 (2) The legislative and governing body of a county or
88 municipality shall have the power and authority to limit the
89 number of hours of operation of arcade amusement centers and may
90 also limit the number of machines allowed in such centers.

91 ~~(3)-(2)~~ The term "arcade amusement center" as used in this
92 section means a place of business having at least 50 coin-
93 operated amusement games or machines on premises which are
94 operated for the entertainment of the general public and
95 tourists as a bona fide amusement facility.

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