

CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to arcade amusement centers; amending s.
7 849.161, F.S.; revising provisions exempting certain
8 amusement centers from the application of gambling
9 regulations; restricting the use of points or coupons
10 received by players in arcade amusement centers;
11 clarifying a reference; providing that, with respect to
12 arcade amusement centers, local governments may establish
13 or amend the zoning map designation of a parcel or parcels
14 of land or change the actual list of permitted,
15 conditional, or prohibited uses within a zoning category;
16 authorizing local governments to limit the hours of
17 operation of arcade amusement centers and limit the number
18 of machines in such centers; prohibiting gambling devices
19 at arcade amusement centers; providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Section 849.161, Florida Statutes, is amended
24 to read:

25 849.161 Amusement games or machines; when chapter
26 inapplicable.--

27 (1)(a)1. Nothing contained in this chapter shall be taken
28 or construed as applicable to an arcade amusement center having
29 amusement games or machines not proscribed by s. 849.15 which
30 operate by means of the insertion of a coin and which, solely by
31 application of skill, may entitle the person playing or
32 operating the game or machine to receive points or coupons which
33 may be exchanged for merchandise only, excluding cash, ~~and~~
34 alcoholic beverages, tobacco products, or coupons redeemable for
35 cash, alcoholic beverages, or tobacco products, provided the
36 cost value of the merchandise or prize awarded in exchange for
37 such points or coupons does not exceed 75 cents on any game
38 played. All points or coupons received by a player may be
39 exchanged for the specific product only at the same business
40 location where the game or machine operated by the player is
41 located. No points or coupons received by a player may be
42 exchanged for any gift certificate, mail order certificate, or
43 similar conveyance that is redeemable at another business
44 location or deliverable from a location other than where the
45 arcade amusement center is located.

46 2. Nothing contained in this chapter shall be taken or
47 construed as applicable to any retail dealer who operates as a
48 truck stop, as defined in chapter 336 and which operates a
49 minimum of 6 functional diesel fuel pumps, having amusement
50 games or machines which operate by means of the insertion of a

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51 coin or other currency and which by application of skill may
52 entitle the person playing or operating the game or machine to
53 receive points or coupons which may be exchanged for merchandise
54 limited to noncash prizes, toys, novelties, and Florida Lottery
55 products, excluding alcoholic beverages, provided the cost value
56 of the merchandise or prize awarded in exchange for such points
57 or coupons does not exceed 75 cents on any game played. This
58 subparagraph applies only to games and machines which are
59 operated for the entertainment of the general public and
60 tourists as bona fide amusement games or machines. This
61 subsection shall not apply, however, to any game or device
62 defined as a gambling device in chapter 24 of Title 15 U.S.C.
63 under s. 1171, which requires identification of each device by
64 permanently affixing seriatim numbering and name, trade name,
65 and date of manufacture under s. 1173, and registration with the
66 United States Attorney General, unless excluded from
67 applicability of the chapter under s. 1178. This subsection
68 shall not be construed to authorize video poker games or any
69 other game or machine that may be construed as a gambling device
70 under Florida law.

71 (b) Nothing in this subsection shall be taken or construed
72 as applicable to a coin-operated game or device designed and
73 manufactured only for bona fide amusement purposes and not
74 proscribed by s. 849.15, which game or device may, solely by
75 application of skill, entitle the player to replay the game or
76 device at no additional cost, if the game or device: can
77 accumulate and react to no more than 15 free replays; can be
78 discharged of accumulated free replays only by reactivating the

79 | game or device for one additional play for such accumulated free
 80 | replay; can make no permanent record, directly or indirectly, of
 81 | free replays; and is not classified by the United States as a
 82 | gambling device in chapter 24 of Title 15 U.S.C. under s. 1171,
 83 | which requires identification of each device by permanently
 84 | affixing seriatim numbering and name, trade name, and date of
 85 | manufacture under s. 1173, and registration with the United
 86 | States Attorney General, unless excluded from applicability of
 87 | the chapter under s. 1178. This subsection shall not be
 88 | construed to authorize video poker games, or any other game or
 89 | machine that may be construed as a gambling device under Florida
 90 | law.

91 | (c) Nothing in this subsection with respect to arcade
 92 | amusement centers shall be taken or construed to abrogate or
 93 | limit the power of a local government to establish or amend the
 94 | zoning map designation of a parcel or parcels of land or change
 95 | the actual list of permitted, conditional, or prohibited uses
 96 | within a zoning category and any local government may exercise
 97 | such power as provided by law.

98 | (2) The legislative and governing body of a county or
 99 | municipality shall have the power and authority to limit the
 100 | number of hours of operation of arcade amusement centers and may
 101 | also limit the number of machines allowed in such centers.

102 | (3)-(2) The term "arcade amusement center" as used in this
 103 | section means a place of business having at least 50 coin-
 104 | operated amusement games or machines on premises which are
 105 | operated for the entertainment of the general public and
 106 | tourists as a bona fide amusement facility.

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

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