

1 A bill to be entitled

2 An act relating to arcade amusement centers; amending s.  
3 849.161, F.S.; revising provisions exempting certain  
4 amusement centers from the application of gambling  
5 regulations; providing for games or machines operated by  
6 electronic token; restricting the use of points or coupons  
7 received by players in arcade amusement centers;  
8 clarifying a reference; providing that specified gambling  
9 provisions do not apply to children's amusement centers;  
10 defining "children's amusement center"; providing for  
11 construction relating to video poker, electronic token  
12 operated games or devices, and powers of local  
13 governments; providing that, with respect to arcade  
14 amusement centers, local governments may establish or  
15 amend the zoning map designation of a parcel or parcels of  
16 land or change the actual list of permitted, conditional,  
17 or prohibited uses within a zoning category; authorizing  
18 local governments to limit the hours of operation of  
19 arcade amusement centers and limit the number of machines  
20 in such centers; prohibiting gambling devices at arcade  
21 amusement centers; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 849.161, Florida Statutes, is amended  
26 to read:

27 849.161 Amusement games or machines; when chapter  
28 inapplicable.--

29 (1)(a)1. Nothing contained in this chapter shall be taken  
 30 or construed as applicable to an arcade amusement center having  
 31 amusement games or machines not proscribed by ss. 849.15 and  
 32 849.16 which operate by means of the insertion of a coin or  
 33 electronic token and which, solely by application of skill, may  
 34 entitle the person playing or operating the game or machine to  
 35 receive points or coupons which may be exchanged for merchandise  
 36 only, excluding cash, ~~and~~ alcoholic beverages, tobacco products,  
 37 or coupons redeemable for cash, alcoholic beverages, or tobacco  
 38 products, 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. All points or coupons received by a  
 41 player may be exchanged for the specific product only at the  
 42 same business location where the game or machine operated by the  
 43 player is located. No points or coupons received by a player may  
 44 be exchanged for any gift certificate, mail order certificate,  
 45 or similar conveyance that is redeemable at another business  
 46 location or deliverable from a location other than where the  
 47 arcade amusement center is located.

48 2. Nothing contained in this chapter shall be taken or  
 49 construed as applicable to any retail dealer who operates as a  
 50 truck stop, as defined in chapter 336 and which operates a  
 51 minimum of 6 functional diesel fuel pumps, having amusement  
 52 games or machines which operate by means of the insertion of a  
 53 coin, electronic token, or other currency and which by  
 54 application of skill may entitle the person playing or operating  
 55 the game or machine to receive points or coupons which may be  
 56 exchanged for merchandise limited to noncash prizes, toys,

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

73 3. This chapter does not apply to any children's amusement  
74 center having amusement games that operate by means of the  
75 insertion of a coin or other currency or other token and that  
76 may entitle the person operating the game or machine to receive  
77 points or coupons that may be exchanged for noncash prizes,  
78 toys, or novelties for children under the age of 14 years. As  
79 used in this subparagraph, the term "children's amusement  
80 center" means a place of business, the general concept or theme  
81 of which is the amusement or entertainment of children under the  
82 age of 14 years and that operates coin-operated amusement games  
83 and machines in which the majority of such games or machines are  
84 for the use or operation by children under the age of 14 years.

85 The term does not include any business that allows the use of  
 86 video poker games or any other game or device classified as a  
 87 gambling device in chapter 24 of Title 15 U.S.C under s. 1171  
 88 unless excluded from these requirements under subsection (2) or  
 89 (3) of s. 1178. Points or coupons received by a player may be  
 90 exchanged only at the same business or franchise thereof. Points  
 91 or coupons received by a player may not be exchanged for any  
 92 credit card, gift certificate, or similar conveyance, or for  
 93 cash, alcoholic beverages, tobacco products, or coupons  
 94 redeemable for cash, alcoholic beverages, or tobacco products.

95 (b) Nothing in this subsection shall be taken or construed  
 96 as applicable to a coin-operated or electronic token operated  
 97 game or device designed and manufactured only for bona fide  
 98 amusement purposes and not proscribed by ss. 849.15 and 849.16,  
 99 which game or device may, solely by application of skill,  
 100 entitle the player to replay the game or device at no additional  
 101 cost, if the game or device: can accumulate and react to no more  
 102 than 15 free replays; can be discharged of accumulated free  
 103 replays only by reactivating the game or device for one  
 104 additional play for such accumulated free replay; can make no  
 105 permanent record, directly or indirectly, of free replays; and  
 106 is not classified by the United States as a gambling device in  
 107 chapter 24 of Title 15 U.S.C. under s. 1171, which requires  
 108 identification of each device by permanently affixing seriatim  
 109 numbering and name, trade name, and date of manufacture under s.  
 110 1173, and registration with the United States Attorney General,  
 111 unless excluded from applicability of the chapter under s. 1178.  
 112 This subsection shall not be construed to authorize video poker

113 games, or any other game or machine that may be construed as a  
 114 gambling device under Florida law.

115 (c) Nothing in this subsection with respect to arcade  
 116 amusement centers shall be taken or construed to abrogate or  
 117 limit the power of a local government to establish or amend the  
 118 zoning map designation of a parcel or parcels of land or change  
 119 the actual list of permitted, conditional, or prohibited uses  
 120 within a zoning category and any local government may exercise  
 121 such power as provided by law.

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

127 (3)(2) The term "arcade amusement center" as used in this  
 128 section means a place of business having at least 50 coin-  
 129 operated amusement games or machines on premises which are  
 130 operated for the entertainment of the general public and  
 131 tourists as a bona fide amusement facility.

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

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