

By the Committee on Regulated Industries; and Senator Geller

315-2454-04

1 A bill to be entitled

2 An act relating to arcade amusement centers;

3 amending s. 849.161, F.S.; revising provisions

4 exempting certain amusement centers from the

5 application of gambling regulations;

6 restricting the use of points or coupons

7 received by players in arcade amusement

8 centers; clarifying a reference; prohibiting

9 gambling devices at arcade amusement centers;

10 providing that, with respect to arcade

11 amusement centers, local governments may

12 establish or amend the zoning map designation

13 of a parcel or parcels of land or change the

14 actual list of permitted, conditional, or

15 prohibited uses within a zoning category;

16 authorizing local governments to limit the

17 hours of operation of arcade amusement centers

18 and limit the number of machines in such

19 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

24 amended to read:

25 849.161 Amusement games or machines; when chapter

26 inapplicable.--

27 (1)(a)1. Nothing contained in this chapter shall be

28 taken or construed as applicable to an arcade amusement center

29 having amusement games or machines not proscribed by s.

30 849.15, which operate by means of the insertion of a coin and

31 which, solely by application of skill, may entitle the person

1 | playing or operating the game or machine to receive points or
2 | coupons which may be exchanged for merchandise only, excluding
3 | cash, ~~and~~ alcoholic beverages, tobacco products, or coupons
4 | redeemable for cash, alcoholic beverages, or tobacco products,
5 | provided the cost value of the merchandise or prize awarded in
6 | exchange for such points or coupons does not exceed 75 cents
7 | on any game played. All points or coupons received by a player
8 | may be exchanged for the specific product only at the same
9 | business location where the game or machine operated by the
10 | player is located. Points or coupons received by a player may
11 | not be exchanged for any gift certificate, mail order
12 | certificate, or similar conveyance that is redeemable at
13 | another business location or deliverable from a location other
14 | than where the arcade is located.

15 | 2. Nothing contained in this chapter shall be taken or
16 | construed as applicable to any retail dealer who operates as a
17 | truck stop, as defined in chapter 336 and which operates a
18 | minimum of 6 functional diesel fuel pumps, having amusement
19 | games or machines which operate by means of the insertion of a
20 | coin or other currency and which by application of skill may
21 | entitle the person playing or operating the game or machine to
22 | receive points or coupons which may be exchanged for
23 | merchandise limited to noncash prizes, toys, novelties, and
24 | Florida Lottery products, excluding alcoholic beverages,
25 | provided the cost value of the merchandise or prize awarded in
26 | exchange for such points or coupons does not exceed 75 cents
27 | on any game played. This subparagraph applies only to games
28 | and machines which are operated for the entertainment of the
29 | general public and tourists as bona fide amusement games or
30 | machines. This subsection shall not apply, however, to any
31 | game or device defined as a gambling device in chapter 24 of

1 Title 15 U.S.C. under s. 1171 ~~24 U.S.C. s. 1171~~, which
2 requires identification of each device by permanently affixing
3 seriatim numbering and name, trade name, and date of
4 manufacture under s. 1173, and registration with the United
5 States Attorney General, unless excluded from applicability of
6 the chapter under s. 1178. This subsection shall not be
7 construed to authorize video poker games or any other game or
8 machine that may be construed as a gambling device under
9 Florida law.

10 (b) Nothing in this subsection shall be taken or
11 construed as applicable to a coin-operated game or device
12 designed and manufactured only for bona fide amusement
13 purposes and not proscribed by s. 849.15, which game or device
14 may, solely by application of skill, entitle the player to
15 replay the game or device at no additional cost, if the game
16 or device: can accumulate and react to no more than 15 free
17 replays; can be discharged of accumulated free replays only by
18 reactivating the game or device for one additional play for
19 such accumulated free replay; can make no permanent record,
20 directly or indirectly, of free replays; and is not classified
21 by the United States as a gambling device in chapter 24 of
22 Title 15 U.S.C. under s. 1171 ~~24 U.S.C. s. 1171~~, which
23 requires identification of each device by permanently affixing
24 seriatim numbering and name, trade name, and date of
25 manufacture under s. 1173, and registration with the United
26 States Attorney General, unless excluded from applicability of
27 the chapter under s. 1178. This subsection shall not be
28 construed to authorize video poker games, or any other game or
29 machine that may be construed as a gambling device under
30 Florida law.

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1 (c) Nothing in this subsection with respect to arcade
2 amusement centers shall be taken or construed to abrogate or
3 limit the power of a local government to establish or amend
4 the zoning map designation of a parcel or parcels of land or
5 change the actual list of permitted, conditional, or
6 prohibited uses within a zoning category, and any local
7 government may exercise such power as provided by law.

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

12 ~~(3)~~~~(2)~~ The term "arcade amusement center" as used in
13 this section means a place of business having at least 50
14 coin-operated amusement games or machines on premises which
15 are operated for the entertainment of the general public and
16 tourists as a bona fide amusement facility.

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bills 1940 and 2636

The committee substitute combines the bill language from SB 2636 and SB 1940.

The committee substitute provides that amusement games or machines played at arcade amusement centers and truck stops may be games played solely by application of skill. The bill excludes slot machines or devices that have an element of chance or other unpredictable outcome that entitles the player to money, credit, allowance, or thing of value or additional chance or right to use the machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value from the games permitted at arcade amusement centers and truck stops.

It provides that tobacco products or coupons redeemable for cash, alcoholic beverages, or tobacco products are excluded from the type of merchandise a player is entitled to receive in exchange for the points or coupons the player receives after playing the amusement game.

It also provides that a game or machines that may be construed as a gambling device under state law, including video poker games or a game or device that resembles a gambling device as defined in 15 U.S.C. s 1171 are prohibited at arcade amusement centers.