

By Senator Constantine

22-1864-04

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to gambling; amending s.  
849.161, F.S.; prohibiting arcade amusement  
centers from exchanging points or coupons  
accumulated by customers for tobacco products,  
alcoholic beverages, or cash; correcting a  
cross-reference; prohibiting gambling devices  
at arcade amusement 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 not proscribed by s.  
849.15, which operate by means of the insertion of a coin and  
which, solely 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, tobacco products, or coupons  
redeemable for cash, alcoholic beverages, or tobacco products,  
provided the cost value of the merchandise or prize awarded in  
exchange for such points or coupons does not exceed 75 cents  
on any game played.

2. Nothing contained in this chapter shall be taken or  
construed as applicable to any retail dealer who operates as a  
truck stop, as defined in chapter 336 and which operates a

1 minimum of 6 functional diesel fuel pumps, having amusement  
2 games or machines which operate by means of the insertion of a  
3 coin or other currency and which by application of skill may  
4 entitle the person playing or operating the game or machine to  
5 receive points or coupons which may be exchanged for  
6 merchandise limited to noncash prizes, toys, novelties, and  
7 Florida Lottery products, excluding alcoholic beverages,  
8 provided the cost value of the merchandise or prize awarded in  
9 exchange for such points or coupons does not exceed 75 cents  
10 on any game played. This subparagraph applies only to games  
11 and machines which are operated for the entertainment of the  
12 general public and tourists as bona fide amusement games or  
13 machines. This subsection shall not apply, however, to any  
14 game or device defined as a gambling device in 15 U.S.C. s.  
15 1171 ~~24 U.S.C. s. 1171~~, which requires identification of each  
16 device by permanently affixing seriatim numbering and name,  
17 trade name, and date of manufacture under s. 1173, and  
18 registration with the United States Attorney General, unless  
19 excluded from applicability of the chapter under s. 1178.  
20 This subsection shall not be construed to authorize video  
21 poker games or any other game or machine that may be construed  
22 as a gambling device under Florida law.

23 (b) Nothing in this subsection shall be taken or  
24 construed as applicable to a coin-operated game or device  
25 designed and manufactured only for bona fide amusement  
26 purposes and not proscribed by s. 649.15, which game or device  
27 may, solely by application of skill, entitle the player to  
28 replay the game or device at no additional cost, if the game  
29 or device: can accumulate and react to no more than 15 free  
30 replays; can be discharged of accumulated free replays only by  
31 reactivating the game or device for one additional play for

1 such accumulated free replay; can make no permanent record,  
2 directly or indirectly, of free replays; and is not classified  
3 by the United States as a gambling device in 24 U.S.C. s.  
4 1171, which requires identification of each device by  
5 permanently affixing seriatim numbering and name, trade name,  
6 and date of manufacture under s. 1173, and registration with  
7 the United States Attorney General, unless excluded from  
8 applicability of the chapter under s. 1178. This subsection  
9 may ~~shall~~ not be construed to authorize video poker games, or  
10 any other game or machine that may be construed as a gambling  
11 device under Florida law.

12 (2) The term "arcade amusement center" as used in this  
13 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 (3) 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 15 U.S.C. s. 1171 are prohibited at arcade  
21 amusement centers.

22 Section 2. This act shall take effect July 1, 2004.

23 \*\*\*\*\*

24  
25 SENATE SUMMARY

26 Prohibits arcade amusement centers from having gambling  
27 devices or exchanging points or coupons accumulated by  
28 customers for tobacco products, alcoholic beverages, or  
29 cash.  
30  
31