

HB 0091

2004

A bill to be entitled

An act relating to video games; creating s. 847.0123, F.S.; defining "adult video game"; prohibiting the sale or rental of adult video games to minors; providing a defense; requiring proof of age to be presented prior to sale or rental of such video games; prohibiting the purchase or rental of adult video games by minors; providing penalties; providing for application; providing an effective date.

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

Section 1. Section 847.0123, Florida Statutes, is created to read:

847.0123 Adult video games; definitions; prohibiting sale or rental to a minor; prohibiting purchase or rental by a minor; penalties; application.--

(1) As used in this section:

(a) "Adult video game" means any game played via a computer which contains representations or images of excessive violence or nudity or sexual conduct that is harmful to minors.

(b) "Excessive violence" is the visual depiction or representation of realistic serious injury to a human or a human-like being.

(c) "Serious injury" includes amputation, decapitation, dismemberment, bloodshed, mutilation, maiming, or disfigurement which appeals to a minor's morbid interest in violence and is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

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31 (2) A person may not knowingly sell or rent an adult video
 32 game to any minor. Any person who violates this subsection
 33 commits a felony of the third degree, punishable as provided in
 34 s. 775.082, s. 775.083, or s. 775.084.

35 (3) Any person who sells or rents adult video games shall
 36 require that a person buying or renting an adult video game
 37 present proof of age. It shall constitute a defense to the
 38 offense in subsection (2) if the person selling or renting the
 39 video game required that a person buying or renting an adult
 40 video game present proof of age and that proof of age indicated
 41 that the person buying or renting the video game was not a
 42 minor.

43 (4) A minor may not knowingly buy or rent an adult video
 44 game. A minor violating this subsection commits a misdemeanor of
 45 the second degree, punishable as provided in s. 775.082 or s.
 46 775.083.

47 (5) This section shall not apply to video game sales
 48 transacted over the Internet.

49 Section 2. This act shall take effect October 1, 2004.