

Bill No. SB 234

Barcode 413584

CHAMBER ACTION

Senate

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The Committee on Regulated Industries (Posey) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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 a place of business ~~an arcade amusement center~~ having two or more amusement games or machines that:

a. Are operated ~~which operate~~ by means of electronic tokens;

b. Have a centralized mechanism for accumulation of currency;

c. Are capable of calculating the appropriate sales tax and transmitting sales tax reports electronically to the

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1 Department of Revenue;

2 d. Have continuous spin with manual game stop operated  
3 solely the insertion of a coin and which by application of  
4 skill; and

5 e. ~~may~~ Entitle the person playing or operating the  
6 game or machine to receive points or coupons electronically  
7 recorded on a device in the possession of the person playing  
8 or operating the game or machine that confirms the activity of  
9 play for audit purposes, which points or coupons may be  
10 exchanged for merchandise or gift cards only, excluding cash,  
11 and alcoholic beverages, tobacco products, or coupons  
12 redeemable for cash, alcoholic beverages, or tobacco products,  
13 provided the cost value of the merchandise or prize awarded in  
14 exchange for such electronically recorded points or coupons  
15 does not exceed 75 cents on any game played.

16 2. Nothing contained in this chapter shall be taken or  
17 construed as applicable to any facility authorized by s.  
18 849.0931(11)(a)-(d) or any retail dealer who operates as a  
19 truck stop, as defined in chapter 336 and which operates a  
20 minimum of 6 functional diesel fuel pumps, having amusement  
21 games or machines which operate by means of the insertion of a  
22 coin or other currency and which by application of skill may  
23 entitle the person playing or operating the game or machine to  
24 receive points or coupons which may be exchanged for  
25 merchandise limited to noncash prizes, toys, novelties, and  
26 Florida Lottery products, excluding alcoholic beverages,  
27 provided the cost value of the merchandise or prize awarded in  
28 exchange for such points or coupons does not exceed 75 cents  
29 on any game played. This subparagraph applies only to games  
30 and machines which are operated for the entertainment of the  
31 general public and tourists as bona fide amusement games or

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

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

31 (2) The term "arcade amusement center" as used in this

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1 section means a place of business having at least 50  
 2 coin-operated amusement games or machines on premises which  
 3 are operated for the entertainment of the general public and  
 4 tourists as a bona fide amusement facility.

5 (3) A game or machine that may be construed as a  
 6 gambling device under state law, including video poker games  
 7 or a game or device that resembles a gambling device as  
 8 defined in 15 U.S.C. s. 1171, is prohibited at arcade  
 9 amusement centers.

10 Section 2. Chapter 849, Florida Statutes, does not  
 11 apply to any children's amusement center having amusement  
 12 games that operate by means of the insertion of a coin,  
 13 currency, or a token and that may entitle the person operating  
 14 the game or machine to receive points or coupons that may be  
 15 exchanged for noncash prizes, toys, or novelties for children  
 16 under the age of 14 years. As used in this section, the term  
 17 "children's amusement center" means a place of business, the  
 18 general concept or theme of which is the amusement or  
 19 entertainment of children under the age of 14 years, which  
 20 operates coin-operated amusement games and machines in which  
 21 the majority of such games or machines are for the use of or  
 22 operation by children under the age of 14 years. The term does  
 23 not include any business that allows the use of video poker  
 24 games or any other game or device classified as a gambling  
 25 device in chapter 24 of Title 15 U.S.C. under s. 1171 unless  
 26 excluded from these requirements under subsection (2) or  
 27 subsection (3) of 15 U.S.C. s. 1178. Points or coupons  
 28 received by a player may not be exchanged for any credit card,  
 29 gift certificate, or similar conveyance or for cash, alcoholic  
 30 beverages, or tobacco products or coupons redeemable for cash,  
 31 alcoholic beverages, or tobacco products.

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1 Section 3. This act shall take effect July 1, 2005.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9 A bill to be entitled

10 An act relating to gambling; amending s.

11 849.161, F.S.; redefining those amusement games

12 and machines that are exempted from chapter

13 849, F.S., relating to gambling; prohibiting

14 gambling devices at arcade amusement centers;

15 exempting children's amusement centers from

16 chapter 849, F.S.; providing an effective date.

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