

By Senator Constantine

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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, 2005.

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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.
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