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584-02148B-14

Proposed Committee Substitute by the Committee on Gaming

A bill to be entitled

An act relating to amusement machines; amending s.
849.161, F.S.; redefining terms; revising
applicability; clarifying provisions and making
technical changes; authorizing direct receipt of
merchandise under certain circumstances; specifying a
cap on the redemption value of points or coupons;
requiring the Department of Revenue to calculate
annually an adjusted cap; requiring the department to
publish the amount of the adjusted cap in a brochure
accessible from its website; 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) As used in this section, the term:

(a) "Amusement games or machines" means games which are
operated only for bona fide entertainment of the general public,
which are activated ~~which operate~~ by means of the insertion of
currency or a coin, card, coupon, slug, token, or similar
device, and which, by application of skill, ~~may entitle~~ the
person playing or operating the game or machine controls the
outcome of the game ~~to receive points or coupons, the cost value~~
~~of which does not exceed 75 cents on any game played, which may~~



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29 ~~be exchanged for merchandise.~~ The term does not include:

30 1. Casino-style games in which the outcome of the game is
31 determined by factors unpredictable by the player; ~~or~~

32 2. Games in which the player does ~~may~~ not control the
33 outcome of the game through skill;

34 3. Video poker games or any other game or machine that may
35 be construed as a gambling device under the laws of this state;

36 or

37 4. Any game or device defined as a gambling device in 15
38 U.S.C. s. 1171, unless excluded under s. 1178.

39 (b) "Arcade amusement center" means a place of business
40 having at least 50 ~~coin-operated~~ amusement games or machines on
41 premises which are operated for the entertainment of the general
42 public ~~and tourists~~ as a bona fide amusement facility.

43 (c) "Game played" means the event occurring from the
44 ~~initial~~ activation of the amusement game or machine by the
45 insertion of currency or a coin, card, coupon, slug, token, or
46 similar device, until the results of play are determined without
47 the insertion of additional currency or an additional coin,
48 card, coupon, slug, token, or similar device, to continue play
49 payment of additional consideration. Free replays do not count
50 as separate games played ~~constitute additional consideration.~~

51 (d) "Merchandise" means noncash prizes, including toys and
52 novelties. The term does not include:

53 1. Cash equivalents ~~or any equivalent thereof,~~ including
54 gift cards or certificates; ~~or~~

55 2. Alcoholic beverages;

56 3. Cards, coupons, points, slugs, tokens, or similar
57 devices that can be used to activate an amusement game or



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58 machine; or

59 4. Points or coupons that have redemption value greater
60 than the cap calculated pursuant to subsection (8).

61 (e) "Redemption value" means the imputed value of coupons
62 or points, based on the wholesale cost of onsite merchandise for
63 which those coupons or points may be redeemed.

64 (f)-(e) "Truck stop" means a any dealer registered pursuant
65 to chapter 212, excluding marinas, which:

66 1. Declared its primary fuel business to be the sale of
67 diesel fuel; and

68 2. Operates a minimum of six functional diesel fuel pumps;
69 ~~and~~

70 ~~3. Has coin-operated amusement games or machines on~~
71 ~~premises which are operated for the entertainment of the general~~
72 ~~public and tourists as bona fide amusement games or machines.~~

73 (2) ~~Nothing contained in This chapter~~ does not shall be
74 ~~taken or construed to prohibit an arcade amusement center or~~
75 ~~truck stop from operating~~ amusement games or machines operated
76 in conformance with this section.

77 (3) This section applies only to amusement games or ~~and~~
78 machines which are operated for the entertainment of the general
79 public ~~and tourists~~ as bona fide amusement games or machines.

80 (4) This section does ~~shall not be construed to~~ authorize:

81 (a) Casino-style games in which the outcome of the game is
82 determined by factors unpredictable by the player;

83 (b) Games in which the player does not control the outcome
84 of the game through skill;

85 (c) Video poker games or any other game or machine that may
86 be construed as a gambling device under the laws of this state;



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87 or

88 (d) Any game or device defined as a gambling device in 15
89 U.S.C. s. 1171, which requires identification of each device by
90 permanently affixing seriatim numbering and name, trade name,
91 and date of manufacture under s. 1173, and registration with the
92 United States Attorney General, unless excluded from
93 applicability of the chapter under s. 1178, or video poker games
94 or any other game or machine that may be construed as a gambling
95 device under Florida law.

96 (5) An amusement game or machine may entitle or enable a
97 person, by application of skill, This section does not apply to
98 a coin-operated game or device designed and manufactured only
99 for bona fide amusement purposes which game or device may by
100 application of skill entitle the player to replay the game or
101 device without the insertion of at no additional currency or an
102 additional coin, card, coupon, slug, token, or similar device,
103 if cost, if the game or device:

104 (a) The amusement game or machine can accumulate and react
105 to no more than 15 free replays;

106 (b) The amusement game or machine can be discharged of
107 accumulated free replays only by reactivating the game or device
108 for one additional play for such accumulated free replay; and

109 (c) The amusement game or machine cannot Can make a no
110 permanent record, directly or indirectly, of free replays; and
111 is not classified by the United States as a gambling device in
112 15 U.S.C. s. 1171, which requires identification of each device
113 by permanently affixing seriatim numbering and name, trade name,
114 and date of manufacture under s. 1173, and registration with the
115 United States Attorney General, unless excluded from



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116 ~~applicability of the chapter under s. 1178. This subsection~~
117 ~~shall not be construed to authorize video poker games, or any~~
118 ~~other game or machine that may be construed as a gambling device~~
119 ~~under Florida law.~~

120 (6) An amusement game or machine may entitle or enable a
121 person, by application of skill, to receive points or coupons
122 that can be redeemed onsite for merchandise, if:

123 (a) The amusement game or machine is located at an arcade
124 amusement center, truck stop, bowling center defined in s.
125 849.141, or public lodging establishment or public food service
126 facility licensed pursuant to chapter 509;

127 (b) Points or coupons have no value other than for
128 redemption onsite for merchandise;

129 (c) The redemption value of points or coupons a person
130 receives for a single game played does not exceed the cap
131 calculated pursuant to subsection (8); and

132 (d) The redemption value of points or coupons a person
133 receives for playing multiple games simultaneously or competing
134 against others in a multi-player game, does not exceed the cap
135 calculated pursuant to subsection (8).

136 (7) An amusement game or machine may entitle or enable a
137 person, by application of skill, to receive merchandise
138 directly, if:

139 (a) The amusement game or machine is located at an arcade
140 amusement center, truck stop, bowling center defined in s.
141 849.141, public lodging establishment or public food service
142 facility licensed pursuant to chapter 509, or on the premises of
143 a retailer as defined in s. 212.02; and

144 (b) The wholesale cost of the merchandise does not exceed



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145 10 times the cap calculated pursuant to subsection (8).

146 (8) The cap on the redemption value of points or coupons is
147 \$5.25. Beginning July 1, 2015, and annually thereafter, the
148 Department of Revenue shall adjust the cap by multiplying the
149 prior cap by 1 plus the percentage change in the Consumer Price
150 Index for All Urban Consumers, U.S. City Average, or a successor
151 index as calculated by the United States Department of Labor,
152 for the most recent 12-month period ending March 31, and
153 rounding the product to the nearest cent. The Department of
154 Revenue shall publish the cap, as adjusted, in a brochure
155 accessible from its website relating to sales and use tax on
156 amusement machines.

157 Section 2. This act shall take effect July 1, 2014.