

By Senator Stargel

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1 A bill to be entitled
2 An act relating to amusement machines; amending s.
3 849.161, F.S.; redefining terms; revising
4 applicability; prohibiting merchandise from exceeding
5 a specified value; requiring the Department of Revenue
6 to calculate annually an adjusted cap on the per-game
7 cost of merchandise; requiring the department to
8 publish the amount and effective date of the adjusted
9 cap by a specified date; repealing s. 849.21, F.S.,
10 relating to an injunction to restrain violation;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 849.161, Florida Statutes, is amended to
16 read:

17 849.161 Amusement ~~games or~~ machines; when chapter
18 inapplicable.—

19 (1) As used in this section, the term:

20 (a) "Amusement machine ~~games or machines~~" means a machine
21 activated by ~~games which operate by means of the insertion of a~~
22 coin, currency, slug, token, coupon, card, or similar device
23 that enables a person to play a game in and which the player, by
24 application of skill, may directly entitle the person playing or
25 ~~operating the game or machine to receive merchandise or points~~
26 or coupons that may be exchanged on site for merchandise, ~~the~~
27 ~~cost value of which does not exceed 75 cents on any game played,~~
28 ~~which may be exchanged for merchandise.~~ The term does not
29 include casino-style games in which the outcome is determined by

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30 factors unpredictable by the player or ~~games~~ in which the player
31 does ~~may~~ not control the outcome of the game through skill.

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

36 ~~(b)-(e)~~ (b) "Game played" means the event occurring from the
37 initial activation of the machine until the results of play are
38 determined without payment of additional consideration. Free
39 replays do not constitute additional consideration.

40 ~~(c)-(d)~~ (c) "Merchandise" means noncash prizes, including toys
41 and novelties. The term does not include cash or any equivalent
42 thereof, including gift cards or certificates, or alcoholic
43 beverages.

44 ~~(e) "Truck stop" means any dealer registered pursuant to~~
45 ~~chapter 212, excluding marinas, which:~~

46 ~~1. Declared its primary fuel business to be the sale of~~
47 ~~diesel fuel;~~

48 ~~2. Operates a minimum of six functional diesel fuel pumps;~~
49 ~~and~~

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

53 (2) ~~Nothing contained in This chapter~~ does not ~~shall be~~
54 ~~taken or construed to prohibit an arcade amusement center or~~
55 ~~truck stop from operating amusement games or machines in~~
56 conformance with this section.

57 (3) This section applies only to ~~games and machines~~ that
58 ~~which~~ are operated for the entertainment of the general public

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59 and tourists as bona fide amusement ~~games or~~ machines.

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

61 (a) A ~~any~~ game or device defined as a gambling device in 15
62 U.S.C. s. 1171, which requires identification of each device by
63 permanently affixing seriatim numbering and name, trade name,
64 and date of manufacture under s. 1173, and registration with the
65 United States Attorney General, unless such game or device is
66 ~~excluded from applicability of the chapter~~ under s. 1178;7 or

67 (b) A device offering video poker games or ~~any other~~
68 casino-style games ~~game or machine that may be construed as a~~
69 ~~gambling device under Florida law.~~

70 (5) This chapter ~~section~~ does not prohibit a ~~apply to a~~
71 ~~coin-operated~~ game or device designed and manufactured only for
72 bona fide amusement purposes which ~~game or device may,~~ by
73 application of skill, entitle the player to replay the game or
74 device at no additional cost, if the game or device:

75 (a) Can accumulate and react to no more than 15 free
76 replays;

77 (b) Can be discharged of accumulated free replays only by
78 reactivating the game or device for one additional play for such
79 accumulated free replay;

80 (c) Can make no permanent record, directly or indirectly,
81 of free replays; and

82 (d) Is not classified by the United States as a gambling
83 device in 15 U.S.C. s. 1171, which requires identification of
84 each device by permanently affixing seriatim numbering and name,
85 trade name, and date of manufacture under s. 1173, and
86 registration with the United States Attorney General, unless
87 excluded from applicability of the chapter under s. 1178. ~~This~~

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88 ~~subsection shall not be construed to authorize video poker~~
89 ~~games, or any other game or machine that may be construed as a~~
90 ~~gambling device under Florida law.~~

91 (6) (a) If an amusement machine provides the player with
92 points or coupons that may be exchanged on site for merchandise,
93 the wholesale cost of the merchandise may not exceed \$5.25 or 15
94 times the amount charged for a game played, whichever is less,
95 and this value may be accumulated and carried forward across
96 multiple machines and games played. For an amusement machine
97 that directly provides the player with merchandise, the
98 wholesale cost of the merchandise may not exceed \$50.

99 (b) If an amusement machine allows a player to activate the
100 machine and play multiple games at the same time, those multiple
101 games shall be considered a single game played for the purposes
102 of the cap established under paragraph (a). If an amusement
103 machine allows multiple players to compete against each other or
104 play simultaneously in a game, the cap established in paragraph
105 (a) may not be multiplied by the number of players but shall be
106 applied to each player as if that player had played separately
107 in an individual game.

108 (c) Beginning September 30, 2015, and annually on September
109 30 thereafter, the Department of Revenue shall calculate an
110 adjusted cap on the per-game cost of merchandise described in
111 paragraph (a), increasing the cap by the rate of inflation for
112 the 12 months before September 1. In calculating the adjusted
113 cap, the department shall use the Consumer Price Index for Urban
114 Wage Earners and Clerical Workers, not seasonally adjusted, for
115 the South Region or a successor index as calculated by the
116 United States Department of Labor. Each adjusted cap shall take

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117 effect on the following January 1, with the initial adjusted cap
118 to take effect on January 1, 2016. The department shall publish
119 the amount of the adjusted cap and its effective date on its
120 Internet home page by October 15 of each year.

121 Section 2. Section 849.21, Florida Statutes, is repealed.

122 Section 3. This act shall take effect upon becoming a law.