

HB 945

2014

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
16 to 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
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)~~ "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)~~ "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
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
62 15 U.S.C. s. 1171, which requires identification of each device
63 by permanently affixing serial 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; ~~r~~ 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 serial 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~~
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
100 the machine and play multiple games at the same time, those
101 multiple games shall be considered a single game played for the
102 purposes of the cap established under paragraph (a). If an
103 amusement machine allows multiple players to compete against
104 each other or play simultaneously in a game, the cap established

105 in paragraph (a) may not be multiplied by the number of players
106 but shall be applied to each player as if that player had played
107 separately in an individual game.

108 (c) Beginning September 30, 2015, and annually on
109 September 30 thereafter, the Department of Revenue shall
110 calculate an adjusted cap on the per-game cost of merchandise
111 described in paragraph (a), increasing the cap by the rate of
112 inflation for the 12 months before September 1. In calculating
113 the adjusted cap, the department shall use the Consumer Price
114 Index for Urban Wage Earners and Clerical Workers, not
115 seasonally adjusted, for the South Region or a successor index
116 as calculated by the United States Department of Labor. Each
117 adjusted cap shall take effect on the following January 1, with
118 the initial adjusted cap to take effect on January 1, 2016. The
119 department shall publish the amount of the adjusted cap and its
120 effective date on its Internet home page by October 15 of each
121 year.

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 Section 849.21, Florida Statutes, is repealed.

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