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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2015	.	
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The Committee on Regulated Industries (Stargel) recommended the following:

Senate Amendment

Delete lines 95 - 237
and insert:

6. A computer-based or mechanical random number generator or other factor that is not discernible, known, or predictable by the player determines the outcome or winner of the game.

7. The game is designed or adapted with a control device to allow manipulation of the game by the operator in order to prevent a player from winning or to predetermine which player



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11 will win.

12 (f) "Merchandise" means noncash prizes maintained on the
13 premises by the operator of the amusement game or machine,
14 including toys and novelties. The term does not include:

15 1. A cash equivalent, such as a gift card or certificate.

16 2. An alcoholic beverage.

17 3. A card, coupon, point, slug, token, or similar device
18 that can be used to activate an amusement game or machine.

19 4. A coupon or a point that has a redemption value greater
20 than the maximum value determined under subsection (8).

21 5. Any prize or other item, if the exchange or conversion
22 to cash or a cash equivalent is facilitated or permitted by the
23 owner or operator of the game or machine.

24 (g) "Redemption value" means the imputed value of a coupon
25 or a point, based on the wholesale cost of merchandise for which
26 the individual may redeem the coupon or point.

27 (h) "Truck stop" means a dealer registered pursuant to
28 chapter 212, excluding a marina, which:

29 1. Declares the sale of diesel fuel to be its primary fuel
30 business; and

31 2. Operates at least six functional diesel fuel pumps.

32 (4) Notwithstanding any other provision of law, an
33 amusement game or machine may be operated as provided in this
34 section.

35 (5) A Type 1 amusement game or machine is an amusement game
36 or machine that may entitle or enable a person to:

37 (a) Replay the game or device without the insertion or the
38 use of any additional currency, coin, card, coupon, slug, token,
39 or similar device, if:



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40 1. The amusement game or machine can accumulate and react
41 to no more than 15 such replays;

42 2. The amusement game or machine can be discharged of
43 accumulated replays only by reactivating the game or device for
44 one additional play for each accumulated replay;

45 3. The amusement game or machine cannot make a permanent
46 record, directly or indirectly, of any free replay;

47 4. The amusement game or machine does not entitle the
48 player to receive any merchandise or a coupon or a point that
49 may be redeemed for merchandise;

50 5. An unused free replay may not be exchanged for anything
51 of value, including merchandise or a coupon or a point that may
52 be redeemed for merchandise; and

53 6. The amusement game or machine does not contain any
54 device that awards a credit and contains a circuit, meter, or
55 switch capable of removing and recording the removal of a credit
56 if the award of a credit is dependent upon chance; or

57 (b) Receive a coupon or a point that may only be redeemed
58 for merchandise, if:

59 1. The coupon or point has no value other than for
60 redemption for merchandise;

61 2. The redemption value of the coupon or point a person
62 receives for a single game played does not exceed the maximum
63 value determined under subsection (8). However, a player may
64 accumulate coupons or points to redeem for merchandise if there
65 is no single item of merchandise which has a wholesale cost of
66 more than 100 times the maximum value determined under
67 subsection (8), or for a prize consisting of more than one item
68 unit, or part, if the aggregate wholesale cost of all items,



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69 units, or parts does not exceed 100 times the maximum value
70 determined under subsection (8); and

71 3. The redemption value of coupons or points that a person
72 receives for playing multiple games simultaneously or competing
73 against others in a multiplayer game does not exceed the maximum
74 value determined under subsection (8).

75 (6) A Type 2 amusement game or machine is an amusement game
76 or machine that allows the player to manipulate a claw or
77 similar device within an enclosure and entitles or enables a
78 person to receive merchandise directly from the game or machine,
79 if the wholesale cost of the merchandise does not exceed 10
80 times the maximum value determined under subsection (8).

81 (7) (a) A Type 1 amusement game or machine may only be
82 located at:

- 83 1. An arcade amusement center;
84 2. A bowling center, as defined in s. 849.141;
85 3. A public lodging establishment or public food service
86 establishment licensed pursuant to chapter 509; or
87 4. A truck stop.

88 (b) A Type 2 amusement game or machine may only be located
89 at:

- 90 1. An arcade amusement center;
91 2. A bowling center, as defined in s. 849.141;
92 3. The premises of a retailer, as defined in s. 212.02;
93 4. A public lodging establishment or public food service
94 establishment licensed pursuant to chapter 509;

95 5. A truck stop; or

96 6. The premises of a veterans' service organization granted
97 a federal charter under Title 36, United States Code, or a



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98 division, department, post, or chapter of such organization, for
99 which an alcoholic beverage license has been issued.

100 (8) For purposes of this section, the "maximum value" is
101 \$5.25. Beginning September 30, 2017, and annually thereafter,
102 the Department of Revenue shall calculate the maximum value as
103 adjusted by the rate of inflation for the 12 months before
104 September 1, rounded to the nearest 5 cents. In calculating the
105 adjusted maximum value, the department shall multiply the prior
106 maximum value by one plus the percentage change in the Consumer
107 Price Index for All Urban Consumers, U.S. City Average, All
108 Items, not seasonally adjusted, or a successor index as
109 calculated by the United States Department of Labor. Each
110 adjusted maximum value shall take effect on the following
111 January 1, with the initial adjusted maximum value to take
112 effect on January 1, 2018. Beginning October 15, 2017, and
113 annually thereafter, the department shall publish the maximum
114 value, as adjusted, in a brochure accessible from its website
115 relating to sales and use tax on amusement machines. If the
116 release of the August Consumer Price Index for All Urban
117 Consumers occurs after September 15, in any given year, the
118 department shall publish the adjusted maximum value within 30
119 calendar days after the release date.

120 (9) Notwithstanding any other provision of law, an action
121 to enjoin the operation of any game or machine pursuant to or
122 for an alleged violation of this section or chapter 849 may be
123 brought only by:

124 (a) The Attorney General, the state attorney for the
125 circuit in which the game or machine is located, any federally
126 recognized tribal government possessing sovereign powers and



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127 rights of self-governance which is a party to a compact with the
128 state, or in the case of an alleged violation of statutes that
129 it is charged with enforcing, the Department of Agriculture and
130 Consumer Services or the Department of Business and Professional
131 Regulation; or

132 (b) Any substantially affected person who is a resident of
133 the county where the place of business operating the game or
134 machine is located, or any substantially affected person who has
135 a business or residence within 5 miles of the place of business
136 operating the game or machine.

137 (10) In addition to other civil, administrative, and
138 criminal sanctions, any person who violates this section shall,
139 upon conviction, be guilty of a misdemeanor of the second
140 degree, punishable as provided in s. 775.082 or s. 775.083. Any
141 person convicted of violating this section a second time shall,
142 upon conviction, be guilty of a misdemeanor of the first degree,
143 punishable as provided in s. 775.082 or s. 775.083. Any person
144 who violates any provision of this section after having been
145 twice convicted shall be deemed a common offender and shall be
146 guilty of a felony of the third degree, punishable as provided
147 in s. 775.082, s. 775.083, or s. 775.084.