

1 A bill to be entitled
 2 An act relating to amusement games or machines;
 3 amending s. 546.10, F.S.; providing definitions;
 4 providing for licensure as a lessor, manufacturer, or
 5 operator of preview games; providing penalties;
 6 requiring the Department of Business and Professional
 7 Regulation to license and regulate preview games and
 8 the lessors, manufacturers, and operators thereof;
 9 providing fees; requiring the department to adopt
 10 rules; providing an effective date.

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

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 14 Section 1. Subsections (8) and (9) of section 546.10,
 15 Florida Statutes, are renumbered as (9) and (10), respectively,
 16 paragraphs (e), (f), (g), and (h) of subsection (3) are
 17 redesignated as (g), (h), (k), and (l), respectively, new
 18 paragraphs (e), (f), (i), and (j) are added to subsection (3),
 19 and a new subsection (8) is added to that section, to read:

20 546.10 Amusement games or machines.—

21 (3) As used in this section, the term:

22 (e) "Lessor" means a person licensed under subsection (8)
 23 who leases a preview game to an operator.

24 (f) "Manufacturer" means a person licensed under
 25 subsection (8) who creates preview game equipment and software.

26 (i) "Operator" means a person licensed to operate a
 27 preview game under subsection (8).

28 (j) "Preview game" means a game or machine with a
 29 predetermined outcome which is operated without the material
 30 element of chance inherent in the game or machine.

31 (8) For purposes of this section:

32 (a)1. An operator must be:

33 a. Licensed to sell alcoholic beverages for consumption on
 34 the premises under s. 561.20, s. 563.02, or s. 564.02;

35 b. Registered as a truck stop; or

36 c. A caterer licensed to sell any alcoholic beverages
 37 under s. 565.02(5).

38 2. The maximum number of preview games a licensed operator
 39 may operate on each premises may not exceed:

40 a. Ten games at a location described in s. 561.20(7)(a).

41 b. Five games at a location issued a license to sell
 42 alcoholic beverages for consumption on the premises under s.
 43 561.20.

44 c. Three games at a location issued a license to sell
 45 alcoholic beverages for consumption on the premises under s.
 46 563.02, s. 564.02, or s. 565.02.

47 d. Five games at a truck stop.

48 (b) Annual license fees and regulatory fees shall be
 49 assessed against each lessor, manufacturer, and operator for
 50 each preview game in operation. The following annual regulatory

51 fees must be paid to the Department of Business and Professional
52 Regulation:

53 1. \$10,000 for each manufacturer.

54 2. \$5,000 for each lessor.

55 3. \$500 for each premises of an operator.

56 4. \$125 for each preview game in use at an operator's
57 premises.

58 (c)1. An application for license as a lessor must include:

59 a. Current registration to conduct business in the state
60 as a lessor of coin-operated amusement machines as defined in s.
61 212.02(24) or amusement games or machines for at least 5 years
62 before application.

63 b. Proof of current sales tax certificate and sales tax
64 payments.

65 c. A written acknowledgement that the applicant had no
66 felony convictions in the 15 years before applying.

67 d. For a person, proprietorship, partnership, corporation,
68 or other entity owning more than 5 percent of the business, a
69 set of fingerprints as prescribed in s. 561.17(1).

70 2. A lessor must report annually to the Department of
71 Business and Professional Regulation the number of preview games
72 in operation at each of the lessor's premises and shall report
73 any changes on a quarterly basis.

74 (d)1. An application for license as a manufacturer must
75 include:

76 a. Proof of current sales tax certificate and sales tax
77 payments.

78 b. A written acknowledgement that the applicant had no
79 felony convictions in 15 years before applying.

80 c. For a person, proprietorship, partnership, corporation,
81 or other entity owning more than 5 percent of the business, a
82 set of fingerprints as prescribed in s. 561.17(1).

83 2. A manufacturer must provide a signed affidavit
84 affirming that the preview games meet all the requirements of
85 general law and the machines are protected from manipulation or
86 tampering that affects the random probabilities of winning
87 plays.

88 (e)1. An application for license as an operator must
89 include:

90 a. Proof of current sales tax certificate and sales tax
91 payments.

92 b. A written acknowledgement that the applicant had no
93 felony convictions in the 15 years before applying.

94 c. For a person, proprietorship, partnership, corporation,
95 or other entity that owns more than 5 percent of the business, a
96 set of fingerprints as prescribed in s. 561.17(1).

97 2. An operator may only operate preview games that are
98 leased from a lessor.

99 (f) A lessor, manufacturer, or operator leasing or
100 operating preview games without proper license is subject to

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101 administrative penalties, including fines or revocation of an
102 operating license.

103 (g) The Department of Business and Professional Regulation
104 is responsible for the licensure and regulation of preview
105 games, the licensure and regulation of manufacturers and
106 operators of preview games, and the licensure of persons
107 involved in leasing, manufacturing, and operating preview games.

108 (h) The Department of Business and Professional Regulation
109 shall adopt rules to implement this subsection.

110 Section 2. This act shall take effect July 1, 2018.