

1 A bill to be entitled
 2 An act relating to gaming machines; amending s.
 3 546.10, F.S.; authorizing certain organizations to
 4 petition the Florida Gaming Control Commission for a
 5 specified declaratory statement; prohibiting such
 6 organizations from purchasing or installing a game or
 7 machine until such declaratory statement is issued;
 8 prohibiting such organizations from petitioning the
 9 commission if the game or machine in question is the
 10 subject of a criminal investigation; providing
 11 requirements for such petitions and declaratory
 12 statements; prohibiting the commission from denying
 13 petitions in certain circumstances; providing that the
 14 declaratory statement is binding on the commission and
 15 may be introduced as evidence in subsequent
 16 proceedings; providing construction; amending s.
 17 849.15, F.S.; defining the term "person of authority";
 18 providing criminal penalties for a specified offense;
 19 providing that shipments of legal gaming devices into
 20 Indian lands are deemed legal shipments under certain
 21 circumstances; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:
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25 **Section 1. Subsections (8) and (9) of section 546.10,**

26 **Florida Statutes, are renumbered as subsections (9) and (10),**
27 **respectively, and a new subsection (8) is added to that section,**
28 **to read:**

29 546.10 Amusement games or machines.—

30 (8)(a)1. Before purchasing or installing a game or machine
31 on the premises of any veterans' service organization granted a
32 federal charter under Title 36, U.S.C., or a division, a
33 department, a post, or a chapter of such organization, for which
34 an alcoholic beverage license has been issued, and the veterans'
35 service organization is in doubt about whether a machine meets
36 the definition of an amusement machine under this section, the
37 organization may petition the Florida Gaming Control Commission
38 for a declaratory statement under s. 120.565 on whether the
39 operation of the game or machine would be authorized under this
40 section or would be a violation of this section or chapter 849.
41 A game or machine awaiting a declaratory statement from the
42 commission may not be purchased or installed until the
43 declaratory statement is issued.

44 2. If there is a game or machine currently on the premises
45 of any veterans' service organization granted a federal charter
46 under Title 36, U.S.C., or a division, a department, a post, or
47 a chapter of such organization, for which an alcoholic beverage
48 license has been issued and the veterans' service organization
49 is in doubt about whether a machine meets the definition of an
50 amusement machine under this section, the organization may

51 petition the commission for a declaratory statement pursuant to
52 s. 120.565 on whether the operation of the game or machine would
53 be authorized under this section or would be a violation of this
54 section or chapter 849. If the game, machine, premises, or
55 organization is the subject of an ongoing criminal
56 investigation, the organization may not petition the commission
57 for a declaratory statement under this subsection.

58 3. The commission shall issue a declaratory statement
59 pursuant to this subsection within 60 days after receiving a
60 petition requesting such statement. The commission may not deny
61 a petition that is validly requested pursuant to this subsection
62 and s. 120.565.

63 (b) A petition made under this subsection must provide
64 enough information for the commission to issue the declaratory
65 statement and must be accompanied by the exact specifications
66 for the type of game or machine that the organization will
67 purchase or install or currently has on the premises. The
68 declaratory statement is valid only for the game or machine for
69 which it is requested and is invalid if the specifications for
70 the game or the machine have been changed.

71 (c) The declaratory statement is binding on the commission
72 and may be introduced in any subsequent proceedings as evidence
73 of a good faith effort to comply with this section or chapter
74 849.

75 (d) This subsection does not prevent the commission or any

76 other criminal justice agency as defined in s. 943.045 from
77 detecting, apprehending, and arresting a person for any alleged
78 violation of this chapter, chapter 24, part II of chapter 285,
79 chapter 550, chapter 551, or chapter 849, or any rule adopted
80 pursuant thereto, or of any law of this state.

81 (e) This subsection does not require an owner or an
82 operator of an amusement game or machine under this section to
83 request or obtain a declaratory statement in order to operate
84 pursuant to this section.

85 **Section 2. Section 849.15, Florida Statutes, is amended to**
86 **read:**

87 849.15 Manufacture, sale, possession, etc., of slot
88 machines or devices prohibited.—

89 (1) As used in this section, the term "person of
90 authority" means a person who, at any business, establishment,
91 premises, or other location at which a slot machine or device is
92 offered for play, has:

93 (a) Actual authority to act on behalf of the business,
94 establishment, premises, or other location where a slot machine
95 or device is offered for play; or

96 (b) Any ownership interest in the business, establishment,
97 premises, or other location. The term "ownership interest"
98 includes being an officer, a director, or a managing member of
99 the business, establishment, premises, or other location.

100 (2)~~(1)~~ It is unlawful:

101 (a) To manufacture, own, store, keep, possess, sell, rent,
102 lease, let on shares, lend or give away, transport, or expose
103 for sale or lease, or to offer to sell, rent, lease, let on
104 shares, lend or give away, or permit the operation of, or for
105 any person to permit to be placed, maintained, or used or kept
106 in any room, space, or building owned, leased or occupied by the
107 person or under the person's management or control, any slot
108 machine or device or any part thereof; or

109 (b) To make or to permit to be made with any person any
110 agreement with reference to any slot machine or device, pursuant
111 to which the user thereof, as a result of any element of chance
112 or other outcome unpredictable to him or her, may become
113 entitled to receive any money, credit, allowance, or thing of
114 value or additional chance or right to use such machine or
115 device, or to receive any check, slug, token or memorandum
116 entitling the holder to receive any money, credit, allowance or
117 thing of value.

118 (3) A person commits a felony of the third degree,
119 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
120 if he or she violates subsection (2), and at the time of the
121 violation, the person was a person of authority.

122 (4)~~(2)~~ Pursuant to section 2 of that chapter of the
123 Congress of the United States entitled "An act to prohibit
124 transportation of gaming devices in interstate and foreign
125 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.

126 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
127 of Florida, acting by and through the duly elected and qualified
128 members of its Legislature, does hereby in this section, and in
129 accordance with and in compliance with the provisions of section
130 2 of such chapter of Congress, declare and proclaim that any
131 county of the State of Florida within which slot machine gaming
132 is authorized pursuant to chapter 551 is exempt from the
133 provisions of section 2 of that chapter of the Congress of the
134 United States entitled "An act to prohibit transportation of
135 gaming devices in interstate and foreign commerce," designated
136 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
137 shipments of gaming devices, including slot machines, into any
138 county of this state within which slot machine gaming is
139 authorized pursuant to chapter 551 and the registering,
140 recording, and labeling of which have been duly performed by the
141 manufacturer or distributor thereof in accordance with sections
142 3 and 4 of that chapter of the Congress of the United States
143 entitled "An act to prohibit transportation of gaming devices in
144 interstate and foreign commerce," approved January 2, 1951,
145 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
146 ss. 1171-1177, shall be deemed legal shipments thereof into this
147 state provided the destination of such shipments is an eligible
148 facility as defined in s. 551.102 or the facility of a slot
149 machine manufacturer or slot machine distributor as provided in
150 s. 551.109(2)(a).

151 (5) All shipments of legal gaming devices, including legal
152 slot machines, into Indian lands located within this state shall
153 be deemed legal shipments thereof provided that such Indian
154 lands are held in federal trust for the benefit of a federally
155 recognized Indian tribe that is a party to a tribal-state
156 compact with the state pursuant to the federal Indian Gaming
157 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
158 ss. 2701 et seq.

159 **Section 3.** This act shall take effect July 1, 2026.