

By Senator Bradley

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1                   A bill to be entitled  
2           An act relating to gaming; amending s. 546.10, F.S.;  
3           requiring certain organizations, before purchasing,  
4           installing, or operating a game or machine on their  
5           premises, or that already have a game or machine  
6           installed on their premises, and are in doubt about  
7           whether such game or machine meets the definition of  
8           an amusement game or machine, to petition the Florida  
9           Gaming Control Commission for a declaratory statement  
10          on whether the operation of such game or machine is  
11          authorized or prohibited; prohibiting such  
12          organizations from purchasing or installing a game or  
13          machine until such declaratory statement is issued;  
14          prohibiting such organizations from petitioning the  
15          commission if the game, machine, premises, or  
16          organization in question is the subject of a criminal  
17          investigation; requiring the commission to issue a  
18          declaratory statement within a specified timeframe;  
19          prohibiting the commission from denying a petition if  
20          it was validly requested; specifying the information  
21          that must be included in a petition; providing that  
22          the declaratory statement is valid only for the game  
23          or machine for which it is requested and is invalid if  
24          the specifications for the game or machine have been  
25          changed; providing that the declaratory statement is  
26          binding on the commission and may be introduced as  
27          evidence in subsequent proceedings; providing  
28          construction; amending s. 849.15, F.S.; defining  
29          terms; providing criminal penalties for specified

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30 offenses relating to the manufacture, possession, and  
31 sale of slot machines or devices; providing that  
32 shipments of legal gaming devices to Indian lands are  
33 deemed legal shipments under certain circumstances;  
34 providing an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Present subsections (8) and (9) of section  
39 546.10, Florida Statutes, are redesignated as subsections (9)  
40 and (10), respectively, and a new subsection (8) is added to  
41 that section, to read:

42 546.10 Amusement games or machines.—

43 (8)(a)1. Before purchasing a game or machine and installing  
44 it on the premises of any veterans' service organization granted  
45 a federal charter under Title 36, U.S.C., or a division,  
46 department, post, or chapter of such organization, for which an  
47 alcoholic beverage license has been issued, if the organization  
48 is in doubt about whether the game or machine meets the  
49 definition of an amusement game or machine under this section,  
50 the organization must petition the Florida Gaming Control  
51 Commission for a declaratory statement pursuant to s. 120.565 on  
52 whether the operation of the game or machine would be authorized  
53 under this section or would be a violation of this section or  
54 chapter 849. An organization awaiting such declaratory statement  
55 from the commission may not purchase or install the game or  
56 machine until the declaratory statement is issued.

57 2. If there is a game or machine currently on the premises  
58 of any veterans' service organization granted a federal charter

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59 under Title 36, U.S.C., or a division, department, post, or  
60 chapter of such organization, for which an alcoholic beverage  
61 license has been issued, and the veterans' service organization  
62 is in doubt about whether the game or machine meets the  
63 definition of an amusement game or machine under this section,  
64 the organization, before operating the game or machine, must  
65 petition the commission for a declaratory statement pursuant to  
66 s. 120.565 on whether the operation of the game or machine would  
67 be authorized under this section or would be a violation of this  
68 section or chapter 849. If the game, machine, premises, or  
69 organization is the subject of an ongoing criminal  
70 investigation, the organization may not petition the commission  
71 for a declaratory statement under this subsection.

72 3. The commission shall issue a declaratory statement  
73 within 60 days after receiving a petition requesting such  
74 statement. The commission may not deny a petition that is  
75 validly requested pursuant to this subsection and s. 120.565.

76 (b) A petition made under this subsection must provide  
77 enough information for the commission to issue the declaratory  
78 statement and must be accompanied by the exact specifications  
79 for the type of game or machine which the organization will  
80 purchase or install or currently has on the premises. The  
81 declaratory statement is valid only for the game or machine for  
82 which it is requested and is invalid if the specifications for  
83 the game or machine have been changed.

84 (c) The declaratory statement is binding on the commission  
85 and may be introduced in any subsequent proceedings as evidence  
86 of a good faith effort to comply with this section or chapter  
87 849.

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88        (d) This subsection does not prevent the commission or any  
89 other criminal justice agency as defined in s. 943.045 from  
90 detecting, apprehending, and arresting a person for any alleged  
91 violation of this chapter, chapter 24, part II of chapter 285,  
92 chapter 550, chapter 551, or chapter 849, or any rule adopted  
93 pursuant thereto, or of any law of this state.

94        (e) This subsection does not require an owner or an  
95 operator of an amusement game or machine under this section to  
96 request or obtain a declaratory statement in order to operate  
97 pursuant to this section.

98        Section 2. Section 849.15, Florida Statutes, is amended to  
99 read:

100        849.15 Manufacture, sale, possession, etc., of slot  
101 machines or devices prohibited.—

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

103        (a) "Ownership interest" means a person who is an officer,  
104 a director, or a managing member of any business, establishment,  
105 premises, or other location.

106        (b) "Person of authority" means a person who, at any  
107 business, establishment, premises, or other location at which a  
108 slot machine or device is offered for play, has:

109        1. Actual authority to act on behalf of the business,  
110 establishment, premises, or other location; or

111        2. Any ownership interest in the business, establishment,  
112 premises, or other location.

113        (2)~~(1)~~ It is unlawful:

114        (a) To manufacture, own, store, keep, possess, sell, rent,  
115 lease, let on shares, lend or give away, transport, or expose  
116 for sale or lease, or to offer to sell, rent, lease, let on

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117 shares, lend or give away, or permit the operation of, or for  
118 any person to permit to be placed, maintained, or used or kept  
119 in any room, space, or building owned, leased or occupied by the  
120 person or under the person's management or control, any slot  
121 machine or device or any part thereof; or

122 (b) To make or to permit to be made with any person any  
123 agreement with reference to any slot machine or device, pursuant  
124 to which the user thereof, as a result of any element of chance  
125 or other outcome unpredictable to him or her, may become  
126 entitled to receive any money, credit, allowance, or thing of  
127 value or additional chance or right to use such machine or  
128 device, or to receive any check, slug, token or memorandum  
129 entitling the holder to receive any money, credit, allowance or  
130 thing of value.

131 (3) Notwithstanding s. 849.23, a person who violates  
132 subsection (2) commits a felony of the third degree, punishable  
133 as provided in s. 775.082, s. 775.083, or s. 775.084, if he or  
134 she was a person of authority at the time of the violation.

135 (4)~~(2)~~ Pursuant to section 2 of that chapter of the  
136 Congress of the United States entitled "An act to prohibit  
137 transportation of gaming devices in interstate and foreign  
138 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.  
139 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State  
140 of Florida, acting by and through the duly elected and qualified  
141 members of its Legislature, does hereby in this section, and in  
142 accordance with and in compliance with the provisions of section  
143 2 of such chapter of Congress, declare and proclaim that any  
144 county of the State of Florida within which slot machine gaming  
145 is authorized pursuant to chapter 551 is exempt from the

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146 provisions of section 2 of that chapter of the Congress of the  
147 United States entitled "An act to prohibit transportation of  
148 gaming devices in interstate and foreign commerce," designated  
149 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All  
150 shipments of gaming devices, including slot machines, into any  
151 county of this state within which slot machine gaming is  
152 authorized pursuant to chapter 551 and the registering,  
153 recording, and labeling of which have been duly performed by the  
154 manufacturer or distributor thereof in accordance with sections  
155 3 and 4 of that chapter of the Congress of the United States  
156 entitled "An act to prohibit transportation of gaming devices in  
157 interstate and foreign commerce," approved January 2, 1951,  
158 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.  
159 ss. 1171-1177, shall be deemed legal shipments thereof into this  
160 state provided the destination of such shipments is an eligible  
161 facility as defined in s. 551.102 or the facility of a slot  
162 machine manufacturer or slot machine distributor as provided in  
163 s. 551.109(2) (a).

164 (5) All shipments of legal gaming devices, including legal  
165 slot machines, to Indian lands located within this state shall  
166 be deemed legal shipments thereof, provided that such Indian  
167 lands are held in federal trust for the benefit of a federally  
168 recognized Indian tribe that is a party to a tribal-state  
169 compact with the state pursuant to the federal Indian Gaming  
170 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.  
171 ss. 2701 et seq.

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