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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/18/2015	.	
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The Committee on Regulated Industries (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 546.10, Florida Statutes, is created to
read:

546.10 Amusement games or machines.—

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

(a) "Amusement game or machine" means a game or machine
operated only for the bona fide entertainment of the general



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11 public which a person activates by inserting currency or a coin,
12 card, coupon, slug, token, or similar device, and, by
13 application of skill, the person playing or operating the game
14 or machine controls the outcome of the game. The term does not
15 include:

16 1. Casino-style games in which the outcome of the game is
17 determined by factors unpredictable by the player.

18 2. Games in which the player does not control the outcome
19 of the game through skill.

20 3. Video poker games or any other games or machines that
21 may be construed as a gambling device under the laws of this
22 state.

23 4. Any game or device defined as a gambling device in 15
24 U.S.C. s. 1171, unless excluded under s. 1178.

25 (b) "Arcade amusement center" means a place of business
26 having at least 50 amusement games or machines on premises which
27 is operated for the entertainment of the general public and
28 tourists as a bona fide amusement facility.

29 (c) "Card" means a stored value card as defined in s.
30 560.103, and does not include a credit or debit card.

31 (d) "Game played" means the event beginning with activation
32 of the amusement game or machine and ending when the results of
33 play are determined without the insertion of any additional
34 currency, coin, card, coupon, slug, token, or similar device to
35 continue play. Free replays are not separate games played.

36 (e) "Merchandise" means noncash prizes, including toys and
37 novelties. The term does not include:

38 1. Cash equivalents, including gift cards or certificates.

39 2. Alcoholic beverages.



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40 3. Cards, coupons, points, slugs, tokens, or similar
41 devices that can be used to activate an amusement game or
42 machine.

43 4. Points or coupons that have a redemption value greater
44 than the maximum value determined under subsection (7).

45 (f) "Redemption value" means the imputed value of coupons
46 or points, based on the wholesale cost of onsite merchandise for
47 which those coupons or points may be redeemed.

48 (g) "Truck stop" means a dealer registered pursuant to
49 chapter 212, excluding marinas, which:

50 1. Declared its primary fuel business to be the sale of
51 diesel fuel; and

52 2. Operates a minimum of six functional diesel fuel pumps.

53 (2) Notwithstanding any other provision of law, amusement
54 games or machines may be operated as provided in this section.

55 (3) This section applies only to amusement games or
56 machines as defined in subsection (1) and does not authorize:

57 (a) Casino-style games in which the outcome of the game is
58 determined by factors unpredictable by the player.

59 (b) Games in which the player does not control the outcome
60 of the game through skill.

61 (c) Video poker games or any other game or machine that may
62 be construed as a gambling device under the laws of this state.

63 (d) Any game or device defined as a gambling device in 15
64 U.S.C. s. 1171, unless excluded under s. 1178.

65 (4) An amusement game or machine may entitle or enable a
66 person, by application of skill, to replay the game or device
67 without the insertion of any additional currency, coin, card,
68 coupon, slug, token, or similar device, if:



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69 (a) The amusement game or machine can accumulate and react
70 to no more than 15 such replays.

71 (b) The amusement game or machine can be discharged of
72 accumulated replays only by reactivating the game or device for
73 one additional play for each accumulated replay.

74 (c) The amusement game or machine cannot make a permanent
75 record, directly or indirectly, of any free replay.

76 (5) An amusement game or machine may entitle or enable a
77 person, by application of skill, to receive points or coupons
78 that may only be redeemed onsite for merchandise, if:

79 (a) The amusement game or machine is located at an arcade
80 amusement center, truck stop, bowling center as defined in s.
81 849.141, or public lodging establishment or public food service
82 establishment licensed pursuant to chapter 509;

83 (b) The points or coupons have no value other than for
84 redemption onsite for merchandise;

85 (c) The redemption value of the points or coupons a person
86 receives for a single game played does not exceed the maximum
87 value determined under subsection (7); and

88 (d) The redemption value of points or coupons that a person
89 receives for playing multiple games simultaneously or competing
90 against others in a multiplayer game does not exceed the maximum
91 value determined under subsection (7).

92 (6) An amusement game or machine that allows the player to
93 manipulate a claw or similar device within an enclosure may
94 entitle or enable a person, by application of skill, to receive
95 merchandise directly from the game or machine, if:

96 (a) The amusement game or machine is located at an arcade
97 amusement center, truck stop, bowling center as defined in s.



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98 849.141, public lodging establishment or public food service
99 establishment licensed pursuant to chapter 509, or on the
100 premises of a retailer as defined in s. 212.02; and

101 (b) The wholesale cost of the merchandise does not exceed
102 10 times the maximum value determined under subsection (7).

103 (7) For purposes of this section, the "maximum value" is
104 \$5.25. Beginning July 1, 2016, and annually thereafter, the
105 Department of Revenue shall adjust the maximum value by
106 multiplying the value by the sum of 1 plus the percentage change
107 in the Consumer Price Index for All Urban Consumers, U.S. City
108 Average, or a successor index as calculated by the United States
109 Department of Labor, for the most recent 12-month period ending
110 March 31, and rounding the product to the nearest cent. The
111 Department of Revenue shall publish the maximum value, as
112 adjusted, in a brochure accessible from its website relating to
113 sales and use tax on amusement machines.

114 (8) Notwithstanding any other provision of law, an action
115 to enjoin the operation of any game or machine at any location
116 listed in paragraph (6) (a) pursuant to or for an alleged
117 violation of chapter 849 may be brought only by the Attorney
118 General, the state attorney for the circuit in which the game or
119 machine is located, any federally recognized tribal government
120 possessing sovereign powers and rights of self-government that
121 is a party to a compact with the state or, in the case of an
122 alleged violation of statutes that they are charged with
123 enforcing, the Department of Agriculture and Consumer Services
124 or the Department of Business and Professional Regulation.

125 Section 2. Subsection (8) of section 551.102, Florida
126 Statutes, is amended to read:



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127 551.102 Definitions.—As used in this chapter, the term:
128 (8) "Slot machine" means any mechanical or electrical
129 contrivance, terminal that may or may not be capable of
130 downloading slot games from a central server system, machine, or
131 other device that, upon insertion of a coin, bill, ticket,
132 token, or similar object or upon payment of any consideration
133 whatsoever, including the use of any electronic payment system
134 except a credit card or debit card, is available to play or
135 operate, the play or operation of which, whether by reason of
136 skill or application of the element of chance or both, may
137 deliver or entitle the person or persons playing or operating
138 the contrivance, terminal, machine, or other device to receive
139 cash, billets, tickets, tokens, or electronic credits to be
140 exchanged for cash or to receive merchandise or anything of
141 value whatsoever, whether the payoff is made automatically from
142 the machine or manually. The term includes associated equipment
143 necessary to conduct the operation of the contrivance, terminal,
144 machine, or other device. Slot machines may use spinning reels,
145 video displays, or both. A slot machine is not a "coin-operated
146 amusement machine" as defined in s. 212.02(24) or an amusement
147 game or machine as described in s. 546.10 ~~849.161~~, and slot
148 machines are not subject to the tax imposed by s. 212.05(1)(h).

149 Section 3. Section 849.161, Florida Statutes, is repealed.

150 Section 4. This act shall take effect July 1, 2015.

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152
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete everything before the enacting clause



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156 and insert:

157 A bill to be entitled

158 An act relating to amusement games or machines; creating s.
159 546.10, F.S.; providing definitions; providing applicability;
160 authorizing amusement games or machines in conformance with
161 specified provisions; authorizing direct receipt of merchandise
162 under certain circumstances; providing a cap on the redemption
163 value of points or coupons; requiring the Department of Revenue
164 to recalculate and publish the cap annually; providing for
165 enforcement actions; amending s. 551.102, F.S.; conforming a
166 cross-reference; repealing s. 849.161, F.S., relating to
167 amusement games or machines; providing an effective date.