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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2015	.	
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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.