

1                                   A bill to be entitled  
 2           An act relating to amusement games or machines;  
 3           creating s. 546.10, F.S.; creating the "Family  
 4           Amusement Games Act"; providing legislative findings;  
 5           defining terms; authorizing operation of an amusement  
 6           game or machine pursuant to specified provisions;  
 7           providing classifications for such a devices;  
 8           providing that specified types of amusement games or  
 9           machines may only be located at certain locations;  
 10          specifying the maximum value on the redemption value  
 11          of a coupon or a point; requiring the Department of  
 12          Revenue to annually adjust the maximum value;  
 13          providing a formula for adjustment of the maximum  
 14          value; requiring the department to publish the amount  
 15          of the adjusted maximum value; authorizing certain  
 16          persons or entities to enjoin the operation of an  
 17          amusement game or machine; providing penalties;  
 18          amending s. 551.102, F.S.; conforming a cross-  
 19          reference; repealing s. 849.161, F.S., relating to  
 20          amusement games or machines; providing an effective  
 21          date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:

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

27        546.10 Amusement games or machines.—  
 28        (1) This section may be cited as the "Family Amusement  
 29 Games Act."  
 30        (2) The Legislature finds that regulation of the operation  
 31 of skill-based amusement games or machines at specified  
 32 locations to ensure compliance with the requirements of law is  
 33 appropriate to prevent expansion of casino-style gambling.  
 34 Therefore, the Legislature finds that there is a compelling  
 35 state interest in clarifying the operation and use of amusement  
 36 games or machines to ensure that provisions regulating these  
 37 devices are not subject to abuse or interpreted in any manner as  
 38 creating an exception to the state's general prohibitions  
 39 against gambling.  
 40        (3) As used in this section, the term:  
 41        (a) "Amusement game or machine" means a game or machine  
 42 operated only for the bona fide entertainment of the general  
 43 public which a person activates by inserting or using currency  
 44 or a coin, card, coupon, slug, token, or similar device, and, by  
 45 the application of skill, with no material element of chance  
 46 inherent in the game or machine, the person playing or operating  
 47 the game or machine controls the outcome of the game. The term  
 48 does not include:  
 49        1. Any game or machine that uses mechanical slot reels,  
 50 video depictions of slot machine reels or symbols, or video  
 51 simulations or video representations of any other casino game,  
 52 including, but not limited to, any banked or banking card game,

53 poker, bingo, pull-tab, lotto, roulette, or craps.

54 2. A game in which the player does not control the outcome  
 55 of the game through skill or a game where the outcome is  
 56 determined by factors not visible, known, or predictable to the  
 57 player.

58 3. A video poker game or any other game or machine that  
 59 may be construed as a gambling device under the laws of this  
 60 state.

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

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

67 (c) "Card" means a card other than a credit card or debit  
 68 card:

69 1. Which is used to activate an amusement game or machine.

70 2. Which contains a microprocessor chip, magnetic stripe,  
 71 or other means for storing, retrieving, and transferring  
 72 information, including information regarding coupons or points  
 73 that are won and that may be redeemed for merchandise.

74 3. Which is prefunded.

75 4. For which the prefunded value is reduced by the cost of  
 76 play.

77 (d) "Game play" means the process of events beginning with  
 78 the activation of the amusement game or machine and ending when

79 the results of play are determined without the insertion or the  
80 use of any additional currency, coin, card, coupon, slug, token,  
81 or similar device to continue play. A free replay is not a  
82 separate game played.

83 (e) "Material element of chance inherent in the game or  
84 machine" means that:

85 1. The possibility of the player succeeding at the game or  
86 accomplishing the player's task is determined by the number or  
87 ratio of prior wins or prior losses of players playing the game;

88 2. An award of value is not based solely on the player  
89 achieving the object of the game or on the player's score;

90 3. The number of the coupons or points awarded or the  
91 value of the prize awarded for successfully playing the game can  
92 be controlled by a source other than the player or players  
93 playing the game;

94 4. The ability of the player to succeed at the game is  
95 determined by a game feature or design that changes the effect  
96 of the player's actions and that is not discernible or known by  
97 the player;

98 5. The accomplishment of the player's task requires the  
99 exercise of a skill that no player could exercise;

100 6. A computer-based or mechanical random number generator  
101 or other factor that is not discernible, known, or predictable  
102 by the player determines the outcome or winner of the game; or

103 7. The game is designed or adapted with a control device  
104 to allow manipulation of the game by the operator in order to

105 prevent a player from winning or to predetermine which player  
106 will win.

107 (f) "Merchandise" means noncash prizes maintained on the  
108 premises by the operator of the amusement game or machine,  
109 including toys and novelties. The term does not include:

110 1. A cash equivalent, such as a gift card or certificate;

111 2. An alcoholic beverage;

112 3. A tobacco product;

113 4. A card, coupon, point, slug, token, or similar device  
114 that can be used to activate an amusement game or machine;

115 5. A coupon or a point that has a redemption value greater  
116 than the maximum value determined under subsection (7); or

117 6. Any prize or other item, if the exchange or conversion  
118 to cash or a cash equivalent is facilitated or permitted by the  
119 owner or operator of the game or machine.

120 (g) "Redemption value" means the imputed value of a coupon  
121 or a point, based on the wholesale cost of merchandise for which  
122 the individual may redeem the coupon or point.

123 (h) "Truck stop" means a dealer registered pursuant to  
124 chapter 212, excluding a marina, which:

125 1. Declares the sale of diesel fuel to be its primary fuel  
126 business.

127 2. Operates at least six functional diesel fuel pumps.

128 (4) Notwithstanding any other provision of law, an  
129 amusement game or machine may be operated as provided in this  
130 section.

131 (5) For purposes of this section:

132 (a) "Type A" is an amusement game or machine that, upon  
133 activation and game play, may entitle or enable a person to  
134 replay the game or device without the insertion or use of any  
135 additional currency, coin, card, coupon, slug, token, or similar  
136 device; and:

137 1. The amusement game or machine can accumulate and react  
138 to no more than 15 such replays;

139 2. The amusement game or machine can be discharged of  
140 accumulated replays only by reactivating the game or device for  
141 one additional play for each accumulated replay;

142 3. The amusement game or machine cannot make a permanent  
143 record, directly or indirectly, of any free replay;

144 4. The amusement game or machine does not entitle the  
145 player to receive any merchandise or a coupon or a point that  
146 may be redeemed for merchandise;

147 5. An unused free replay may not be exchanged for anything  
148 of value, including merchandise or a coupon or a point that may  
149 be redeemed for merchandise; and

150 6. The amusement game or machine does not contain any  
151 device that awards a credit and contains a circuit, meter, or  
152 switch capable of removing and recording the removal of a credit  
153 if the award of a credit is dependent upon chance.

154 (b) "Type B" is an amusement game or machine that may,  
155 upon activation and game play, entitle or enable a person to  
156 receive a coupon or a point that may only be redeemed for

157 merchandise; and:

158 1. The coupon or point has no value other than for  
159 redemption for merchandise;

160 2. The redemption value of the coupon or point that a  
161 person receives for a single game played does not exceed the  
162 maximum value determined under subsection (7). However, a player  
163 may accumulate coupons or points to redeem for a single item of  
164 merchandise that has a wholesale cost of not more than 100 times  
165 the maximum value determined under subsection (7), or for a  
166 prize consisting of more than one item, unit, or part, only if  
167 the aggregate wholesale cost of all items, units, or parts does  
168 not exceed 100 times the maximum value determined under  
169 subsection (7); and

170 3. The redemption value of coupons or points that a person  
171 receives for playing multiple games simultaneously or competing  
172 against others in a multiplayer game does not exceed the maximum  
173 value determined under subsection (7).

174 (c) "Type C" is an amusement game or machine that allows  
175 the player to manipulate a claw or similar device within an  
176 enclosure that entitles or enables a person to receive  
177 merchandise directly from the game or machine, if the wholesale  
178 cost of the merchandise does not exceed 10 times the maximum  
179 value determined under subsection (7).

180 (6) (a) A Type B amusement game or machine may only be  
181 located at:

182 1. A facility as defined in s. 721.05(17) that is under

183 the control of a timeshare plan;  
 184 2. A public lodging establishment or public food service  
 185 establishment licensed pursuant to chapter 509;  
 186 3. The following premises, if the owner or operator of the  
 187 premises has a current license issued by the Department of  
 188 Business and Professional Regulation pursuant to chapter 509,  
 189 chapter 561, chapter 562, chapter 563, chapter 564, chapter 565,  
 190 chapter 567, or chapter 568:  
 191 a. An arcade amusement center;  
 192 b. A bowling center, as defined in s. 849.141; or  
 193 c. A truck stop.  
 194 (b) A Type C amusement game or machine may only be located  
 195 at:  
 196 1. A facility as defined in s. 721.05(17) that is under  
 197 the control of a timeshare plan;  
 198 2. An arcade amusement center;  
 199 3. A bowling center, as defined in s. 849.141;  
 200 4. The premises of a retailer, as defined in s. 212.02;  
 201 5. A public lodging establishment or public food service  
 202 establishment licensed pursuant to chapter 509;  
 203 6. A truck stop; or  
 204 7. The premises of a veterans' service organization  
 205 granted a federal charter under Title 36, U.S.C., or a division,  
 206 department, post, or chapter of such organization, for which an  
 207 alcoholic beverage license has been issued.  
 208 (7) For purposes of this section, the maximum value is



209 \$5.25. Beginning September 30, 2017, and annually thereafter,  
 210 the Department of Revenue shall calculate the maximum value as  
 211 adjusted by the rate of inflation for the 12 months preceding  
 212 September 1, rounded to the nearest 5 cents. In calculating the  
 213 adjusted maximum value, the department shall multiply the  
 214 previous maximum value by one plus the percentage change in the  
 215 Consumer Price Index for All Urban Consumers, U.S. City Average,  
 216 All Items, not seasonally adjusted, or a successor index as  
 217 calculated by the United States Department of Labor. Each  
 218 adjusted maximum value shall take effect on the following  
 219 January 1, with the initial adjusted maximum value to take  
 220 effect on January 1, 2018. Beginning October 15, 2017, and  
 221 annually thereafter, the department shall publish the maximum  
 222 value, as adjusted, in a brochure accessible from its website  
 223 relating to sales and use tax on amusement machines. If the  
 224 release of the August Consumer Price Index for All Urban  
 225 Consumers occurs after September 15, in any given year, the  
 226 department shall publish the adjusted maximum value within 30  
 227 calendar days after the release date.

228 (8) Notwithstanding any other provision of law, an action  
 229 to enjoin the operation of any game or machine pursuant to or  
 230 for an alleged violation of this section or chapter 849 may be  
 231 brought only by:

232 (a) The Attorney General, the state attorney for the  
 233 circuit in which the game or machine is located, a federally  
 234 recognized tribal government possessing sovereign powers and

235 rights of self-governance which is a party to a compact with the  
236 state, or in the case of an alleged violation of statutes that  
237 it is charged with enforcing, the Department of Agriculture and  
238 Consumer Services or the Department of Business and Professional  
239 Regulation; or

240 (b) A substantially affected person who is a resident of  
241 the county where the place of business operating the game or  
242 machine is located, or any substantially affected person who has  
243 a business or residence within 5 miles of the place of business  
244 operating the game or machine.

245 (9) In addition to other civil, administrative, and  
246 criminal sanctions, a person who violates this section commits a  
247 misdemeanor of the second degree, punishable as provided in s.  
248 775.082 or s. 775.083. A person convicted of violating this  
249 section a second time commits a misdemeanor of the first degree,  
250 punishable as provided in s. 775.082 or s. 775.083. A person who  
251 violates this section after having been twice convicted is  
252 deemed a common offender and commits a felony of the third  
253 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
254 775.084.

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

257 551.102 Definitions.—As used in this chapter, the term:

258 (8) "Slot machine" means any mechanical or electrical  
259 contrivance, terminal that may or may not be capable of  
260 downloading slot games from a central server system, machine, or

261 other device that, upon insertion of a coin, bill, ticket,  
 262 token, or similar object or upon payment of any consideration  
 263 whatsoever, including the use of any electronic payment system  
 264 except a credit card or debit card, is available to play or  
 265 operate, the play or operation of which, whether by reason of  
 266 skill or application of the element of chance or both, may  
 267 deliver or entitle the person or persons playing or operating  
 268 the contrivance, terminal, machine, or other device to receive  
 269 cash, billets, tickets, tokens, or electronic credits to be  
 270 exchanged for cash or to receive merchandise or anything of  
 271 value whatsoever, whether the payoff is made automatically from  
 272 the machine or manually. The term includes associated equipment  
 273 necessary to conduct the operation of the contrivance, terminal,  
 274 machine, or other device. Slot machines may use spinning reels,  
 275 video displays, or both. A slot machine is not a "coin-operated  
 276 amusement machine" as defined in s. 212.02(24) or an amusement  
 277 game or machine as described in s. 546.10 ~~849.161~~, and slot  
 278 machines are not subject to the tax imposed by s. 212.05(1)(h).

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

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