

By Senator Stargel

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1                   A bill to be entitled  
2       An act relating to amusement games or machines;  
3       amending s. 546.002, F.S.; defining terms; creating s.  
4       546.10, F.S.; authorizing an amusement game or machine  
5       to be operated in conformity with specified  
6       requirements; authorizing free replays if an amusement  
7       game or machine conforms with specified requirements;  
8       allowing an individual who plays an amusement game or  
9       machine to receive a point or a coupon redeemable  
10       onsite for merchandise under specified circumstances;  
11       authorizing an amusement game or machine to allow an  
12       individual to directly receive merchandise under  
13       certain circumstances; specifying a cap on the  
14       redemption value of a point or a coupon; requiring the  
15       Department of Revenue to annually adjust the cap;  
16       providing a formula for the adjustment of the cap;  
17       requiring the department to publish the amount of the  
18       adjusted cap; authorizing certain persons or entities  
19       to enjoin the operation of an amusement game or  
20       machine; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Section 546.002, Florida Statutes, is amended to  
25 read:

26       546.002 Definitions.—As used in this chapter ~~ss. 546.001-~~  
27 ~~546.008~~, the term:

28       (1) "Amusement attraction" means a ~~any~~ building or  
29 structure around, over, or through which persons may move or

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30 walk, without the aid of any moving device integral to the  
31 building or structure, which building or structure provides  
32 amusement, pleasure, thrills, or excitement. This term does not  
33 include enterprises principally devoted to the exhibition of  
34 products of agriculture, industry, education, science, religion,  
35 or the arts.

36 (2) "Amusement game or machine" means a game or machine  
37 that is operated only for the entertainment of the general  
38 public, that is activated by the insertion of currency, coin,  
39 card, coupon, point, slug, token, or similar device, and that is  
40 played through an individual's application of skill. The term  
41 does not include:

42 (a) A casino-style game in which the outcome of the game is  
43 determined by factors unpredictable to the player.

44 (b) A video poker game or any other game, machine, or  
45 device that may be construed as a gambling device under the laws  
46 of this state.

47 (c) A machine or device defined as a gambling device in 15  
48 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

49 (3)~~(2)~~ "Amusement ride" means a ~~any~~ mechanical device that  
50 which carries or conveys passengers around, over, or along a  
51 fixed or restricted route or course or within a defined area for  
52 the purpose of giving its passengers amusement, pleasure,  
53 thrills, or excitement.

54 (4) "Arcade amusement center" means a place of business  
55 which has at least 50 amusement games or machines onsite and is  
56 operated for the entertainment of the general public.

57 (5) "Merchandise" means a noncash prize, including a toy or  
58 a novelty item. The term does not include:

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59 (a) A cash equivalent, such as a gift card or certificate.

60 (b) An alcoholic beverage.

61 (c) A coin, card, slug, token, or similar device that can  
62 be used to activate an amusement game or machine.

63 (d) A coupon or point that has a redemption value greater  
64 than the cap calculated pursuant to s. 546.10(5).

65 (6) "Redemption value" means the imputed value of a coupon  
66 or a point which is based on the wholesale cost of the onsite  
67 merchandise for which the individual may redeem the coupon or  
68 point.

69 (7) "Truck stop" means a dealer registered pursuant to s.  
70 212.18, excluding a marina, which:

71 (a) Declares the sale of diesel fuel to be its primary fuel  
72 business; and

73 (b) Operates at least six functional diesel fuel pumps.

74 Section 2. Section 546.10, Florida Statutes, is created to  
75 read:

76 546.10 Amusement game or machine.—

77 (1) Notwithstanding chapter 849 or any other provision of  
78 law, an amusement game or machine may be operated in conformity  
79 with this section.

80 (2) An amusement game or machine may allow an individual,  
81 through the application of skill, to replay a game without the  
82 insertion of additional currency or an additional coin, card,  
83 coupon, point, slug, token, or similar device if the amusement  
84 game or machine meets all of the following requirements:

85 (a) It can accumulate and react to no more than 15 free  
86 replays.

87 (b) It can be discharged of accumulated free replays only

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88 by reactivating the amusement game or machine for one additional  
89 play for the accumulated free replay.

90 (c) It cannot make, directly or indirectly, a permanent  
91 record of a free replay.

92 (3) An amusement game or machine may allow an individual,  
93 through the application of skill, to receive a coupon or point  
94 that may be redeemed onsite for merchandise if all of the  
95 following requirements are met:

96 (a) The amusement game or machine is located at an arcade  
97 amusement center or truck stop, at a bowling center as defined  
98 in s. 849.141, at a public lodging 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.

101 (b) A coupon or a point has no value other than the  
102 redemption value for onsite merchandise.

103 (c) The redemption value of a coupon or a point does not  
104 exceed the cap calculated pursuant to subsection (5).

105 (4) An amusement game or machine may allow an individual,  
106 through the application of skill, to receive merchandise  
107 directly if all of the following requirements are met:

108 (a) The amusement game or machine is at any location listed  
109 in paragraph (3) (a).

110 (b) The wholesale cost of the merchandise does not exceed  
111 10 times the cap calculated pursuant to subsection (5).

112 (5) The cap on the redemption value of a coupon or a point  
113 is \$5.25. Beginning July 1, 2016, and annually thereafter, the  
114 Department of Revenue shall adjust the cap on the redemption  
115 value of a coupon or a point by multiplying the prior year's cap  
116 by the percentage change in the Consumer Price Index for All

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117 Urban Consumers, U.S. City Average, All Items, or a successor  
118 index as reported by the United States Department of Labor, for  
119 the most recent 12-month period ending on March 31; adding the  
120 resulting number to the prior cap; and rounding the product to  
121 the nearest cent. The Department of Revenue shall publish the  
122 cap, as adjusted, in a brochure accessible on its website  
123 relating to sales and use tax on amusement games or machines.

124 (6) Notwithstanding any other provision of law, an action  
125 to enjoin the operation of any amusement game or machine at any  
126 location listed in paragraph (3) (a) may be brought only by the  
127 Attorney General, the state attorney of the circuit in which the  
128 amusement game or machine is located, any federally recognized  
129 tribal government that possesses sovereign powers and rights of  
130 self-government and that is a party to a compact with the state,  
131 or, in the case of a duty to enforce an alleged violation of a  
132 statute, the Department of Agriculture and Consumer Services or  
133 the Department of Business and Professional Regulation.

134 Section 3. This act shall take effect July 1, 2015.