

THE FLORIDA SENATE
2015 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 641 — Amusement Games or Machines

by Regulatory Affairs Committee and Rep. Trumbull and others (CS/CS/SB 268 by Finance and Tax Committee; Regulated Industries Committee; and Senators Stargel, Latvala, and Abruzzo)

The bill creates section 546.10, F.S., to specify types of amusement games, methods for activating amusement games, the award of coupons, points, or prizes, limits upon prize values, and locations authorized for the operation of amusement games. The bill:

- Includes a statement of legislative intent to ensure that provisions regulating amusement games or machines are not subject to abuse or interpreted in any manner as creating an exception to Florida's general prohibitions against gambling;
- Provides that in addition to the use of a coin, an amusement game may be activated by currency, card (not a credit or debit card), coupon, point, slug, token, or similar device, and is played by application of skill;
- Provides for the classification of amusement games as Types A, B, or C:
 - o Type A amusement games enable a player to receive free replays of the game without further activation or payment for a game (up to a maximum of 15 accumulated replays); no tickets or merchandise may be awarded to the player;
 - o Type B amusement games enable a player to receive a coupon or point that may be accumulated and used to redeem merchandise onsite;
 - o Type C amusement games allow a player to manipulate a claw or similar device within an enclosure and receive merchandise directly from the game.
- Increases the maximum redemption value of coupons or points a player may receive for a single play of a Type B amusement game from 75 cents to \$5.25, with a maximum value of 100 times that amount (\$525) for an item of merchandise that may be obtained onsite using accumulated coupons or points won by a player;
- Increases the maximum wholesale cost of merchandise dispensed directly to a player by a Type C amusement game to 10 times that amount (\$52.50).
- Provides for the maximum values to be adjusted annually, based on changes in the consumer price index, beginning January 1, 2018; and
- Increases the authorized locations for amusement games to be operated:
 - o Type A amusement games may be operated at any location;
 - o Type B amusement games may be operated at:
 - o A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
 - o A public lodging establishment or public food service establishment licensed pursuant to chapter 509, F.S.;
 - o The following premises, if the owner or operator of the premises has a current license issued by the Department of Business and Professional Regulation pursuant to chapter 509, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 567, or chapter 568, F.S.:
 - o An arcade amusement center;
 - o A bowling center, as defined in s. 849.141, F.S.; or
 - o A truck stop.

- o Type C amusement games may be operated at:
- o A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- o An arcade amusement center;
- o A bowling center, as defined in s. 849.141, F.S.
- o The premises of a retailer, as defined in s. 212.02, F.S.
- o A public lodging establishment or public food service establishment licensed pursuant to chapter 509, F.S.
- o A truck stop; or
- o The premises of a veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.
- Limits actions to enjoin the operation of an amusement game for alleged violation of s. 546.10, F.S., or chapter 849, F.S., to the Florida Attorney General, state attorneys, certain sovereign tribes, the Florida Department of Agriculture and Consumer Services, the Florida Department of Business and Professional Regulation, and certain substantially affected persons.
- Provides for additional sanctions for violation of s. 546.10, F.S., in addition to other existing civil, administrative, and criminal sanctions.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 39-1; House 113-0