

By Senator Geller

31-1444-04

See HB

1                                   A bill to be entitled

2           An act relating to arcade amusement centers;

3           amending s. 849.161, F.S.; revising provisions

4           exempting certain amusement centers from the

5           application of gambling regulations;

6           restricting use of points or coupons received

7           by players; clarifying a reference; providing

8           for local governments to establish or amend the

9           zoning map designation of a parcel or parcels

10          of land or change the actual list of permitted,

11          conditional, or prohibited uses within a zoning

12          category with respect to arcade amusement

13          centers; authorizing local governments to limit

14          the hours of operation of arcade amusement

15          centers and limit the number of machines in

16          such centers; providing an effective date.

18 Be It Enacted by the Legislature of the State of Florida:

20           Section 1. Section 849.161, Florida Statutes, is  
21 amended to read:

22           849.161 Amusement games or machines; when chapter  
23 inapplicable.--

24           (1)(a)1. Nothing contained in this chapter shall be

25 taken or construed as applicable to an arcade amusement center

26 having amusement games or machines which operate by means of

27 the insertion of a coin and which by application of skill may

28 entitle the person playing or operating the game or machine to

29 receive points or coupons which may be exchanged for

30 merchandise only, excluding cash and alcoholic beverages,

31 provided the cost value of the merchandise or prize awarded in

1 exchange for such points or coupons does not exceed 75 cents  
2 on any game played. All points or coupons received by a player  
3 may be exchanged only at the same business location where the  
4 game or machine operated by the player is located. No points  
5 or coupons received by a player may be exchanged for any gift  
6 certificate or similar conveyance which is redeemable at  
7 another business location.

8           2. Nothing contained in this chapter shall be taken or  
9 construed as applicable to any retail dealer who operates as a  
10 truck stop, as defined in chapter 336 and which operates a  
11 minimum of 6 functional diesel fuel pumps, having amusement  
12 games or machines which operate by means of the insertion of a  
13 coin or other currency and which by application of skill may  
14 entitle the person playing or operating the game or machine to  
15 receive points or coupons which may be exchanged for  
16 merchandise limited to noncash prizes, toys, novelties, and  
17 Florida Lottery products, excluding alcoholic beverages,  
18 provided the cost value of the merchandise or prize awarded in  
19 exchange for such points or coupons does not exceed 75 cents  
20 on any game played. All points or coupons received by a player  
21 may be exchanged only at the same business location where the  
22 game or machine operated by the player is located. No points  
23 or coupons received by a player may be exchanged for any gift  
24 certificate or similar conveyance, excluding any Florida  
25 Lottery product, which is redeemable at another business  
26 location. This subparagraph applies only to games and machines  
27 which are operated for the entertainment of the general public  
28 and tourists as bona fide amusement games or machines. This  
29 subsection shall not apply, however, to any game or device  
30 defined as a gambling device in chapter 24 of Title 15 U.S.C.  
31 under s. 1171, which requires identification of each device by

1 permanently affixing seriatim numbering and name, trade name,  
2 and date of manufacture under s. 1173, and registration with  
3 the United States Attorney General, unless excluded from  
4 applicability of the chapter under s. 1178. This subsection  
5 shall not be construed to authorize video poker games or any  
6 other game or machine that may be construed as a gambling  
7 device under Florida law.

8 (b) Nothing in this subsection shall be taken or  
9 construed as applicable to a coin-operated game or device  
10 designed and manufactured only for bona fide amusement  
11 purposes which game or device may by application of skill  
12 entitle the player to replay the game or device at no  
13 additional cost, if the game or device: can accumulate and  
14 react to no more than 15 free replays; can be discharged of  
15 accumulated free replays only by reactivating the game or  
16 device for one additional play for such accumulated free  
17 replay; can make no permanent record, directly or indirectly,  
18 of free replays; and is not classified by the United States as  
19 a gambling device in chapter 24 of Title 15 U.S.C. under s.  
20 1171, which requires identification of each device by  
21 permanently affixing seriatim numbering and name, trade name,  
22 and date of manufacture under s. 1173, and registration with  
23 the United States Attorney General, unless excluded from  
24 applicability of the chapter under s. 1178. This subsection  
25 shall not be construed to authorize video poker games, or any  
26 other game or machine that may be construed as a gambling  
27 device under Florida law.

28 (c) Nothing in this subsection shall be taken or  
29 construed to abrogate or limit the power of a local government  
30 to establish or amend the zoning map designation of a parcel  
31 or parcels of land or change the actual list of permitted,

1 conditional, or prohibited uses within a zoning category and,  
2 with respect to arcade amusement centers, any local government  
3 may exercise such power as provided by law.

4 (2) The legislative and governing body of a county or  
5 municipality shall have the power and authority to limit the  
6 number of hours of operation of arcade amusement centers and  
7 may also limit the number of machines allowed in such centers.

8 (3)(2) The term "arcade amusement center" as used in  
9 this section means a place of business having at least 50  
10 coin-operated amusement games or machines on premises which  
11 are operated for the entertainment of the general public and  
12 tourists as a bona fide amusement facility.

13 Section 2. This act shall take effect upon becoming a  
14 law.