



191686

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/20/2013	.	
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	.	
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The Committee on Gaming (Sachs) recommended the following:

Senate Amendment

Delete lines 380 - 471

and insert:

(1) As used in this section, the term:

(a) "Amusement games or machines" means games or machines that require the customer to insert a coin, bill, token or stored value card to play a game or machine and that by application of some skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only limited to noncash prizes, toys, and novelties, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for



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14 such points or coupons does not exceed 75 cents on any game
15 played.

16 (b) "Arcade amusement center" means a place of business
17 having at least 50 coin-operated amusement games or machines on
18 premises which are operated for the entertainment of the general
19 public and tourists as a bona fide amusement facility.

20 (c) "Department" means the Department of Agriculture.

21 (d) "Merchandise" means noncash prizes, including toys and
22 novelties excluding alcoholic beverages, provided the cost value
23 of the merchandise or prize awarded in exchange for such points
24 or coupons does not exceed 75 cents on any game played.

25 (e) "Truck stop" means a dealer registered pursuant to
26 chapter 212, excluding a marina, which:

27 1. Declared its primary fuel business to be the sale of
28 diesel fuel;

29 2. Operates a minimum of six functional diesel fuel pumps;
30 and

31 3. Has amusement games or machines on premises which are
32 operated for the entertainment of the general public and
33 tourists as bona fide amusement games or machines as defined in
34 849.161(a) 1.

35 (2)(1)(a)1. Nothing contained in this chapter shall be
36 taken or construed to prohibit as applicable to an arcade
37 amusement center, a truck stop or any division, department,
38 post, or chapter of a veterans' service organization granted a
39 federal charter under Title 36, United States Code having from
40 operating amusement games or machines in conformance with this
41 section which operate by means of the insertion of a coin and
42 which by application of skill may entitle the person playing or



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43 ~~operating the game or machine to receive points or coupons which~~
44 ~~may be exchanged for merchandise only, excluding cash and~~
45 ~~alcoholic beverages, provided the cost value of the merchandise~~
46 ~~or prize awarded in exchange for such points or coupons does not~~
47 ~~exceed 75 cents on any game played.~~

48 ~~2. Nothing contained in this chapter shall be taken or~~
49 ~~construed as applicable to any retail dealer who operates as a~~
50 ~~truck stop, as defined in chapter 336 and which operates a~~
51 ~~minimum of 6 functional diesel fuel pumps, having amusement~~
52 ~~games or machines which operate by means of the insertion of a~~
53 ~~coin or other currency and which by application of skill may~~
54 ~~entitle the person playing or operating the game or machine to~~
55 ~~receive points or coupons which may be exchanged for merchandise~~
56 ~~limited to noncash prizes, toys, novelties, and Florida Lottery~~
57 ~~products, excluding alcoholic beverages, provided the cost value~~
58 ~~of the merchandise or prize awarded in exchange for such points~~
59 ~~or coupons does not exceed 75 cents on any game played.~~

60 (3) This section subparagraph applies only to games and
61 machines that ~~which~~ are operated for the entertainment of the
62 general public and tourists as bona fide amusement games or
63 machines.

64 (4) The department is hereby authorized to issue a
65 declaratory statement pursuant to s. 120.565 to any owner or
66 operator of a game or machine seeking clarification of the
67 definition of amusement games and machines as described in s.
68 849.161(1) which operate on the premises of an amusement arcade.

69 (5) This section may subsection shall not be construed to
70 authorize apply, however, to any game or device defined as a
71 gambling device in 15 24 U.S.C. s. 1171, which requires



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72 identification of each device by permanently affixing seriatim
73 numbering and name, trade name, and date of manufacture under s.
74 1173, and registration with the United States Attorney General,
75 unless excluded from applicability of the chapter under s. 1178,
76 ~~or. this subsection shall not be construed to authorize~~ video
77 poker games or any other game or machine that may be construed
78 as a gambling device under Florida law.

79 ~~(6) (b) This section does not apply~~ ~~Nothing in this~~
80 ~~subsection shall be taken or construed as applicable to a coin~~
81 ~~or other currency operated coin-operated~~ game or device designed
82 and manufactured only for bona fide amusement purposes which
83 game or device may by application of skill entitle the player to
84 replay the game or device at no additional cost, if the game or
85 device: can accumulate and react to no more than 15 free
86 replays; can be discharged of accumulated free replays only by
87 reactivating the game or device for one additional play for such
88 accumulated free replay; can make no permanent record, directly
89 or indirectly, of free replays; and is not classified by the
90 United States as a gambling device in 15 ~~24~~ U.S.C. s. 1171,
91 which requires identification of each device by permanently
92 affixing seriatim numbering and name, trade name, and date of
93 manufacture under s. 1173, and registration with the United
94 States Attorney General, unless excluded from applicability of
95 the chapter under s. 1178. This subsection shall not be
96 construed to authorize video poker games, or any other game or
97 machine that may be construed as a gambling device under Florida
98 law.

99 ~~(2) The term "arcade amusement center" as used in this~~
100 ~~section means a place of business having at least 50 coin-~~



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101 ~~operated amusement games or machines on premises which are~~
102 ~~operated for the entertainment of the general public and~~
103 ~~tourists as a bona fide amusement facility.~~