

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Trujillo offered the following:

Amendment (with title amendment)

Remove lines 347-474 and insert:

~~him or her~~, may:

~~(a)~~ receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or

~~(b)~~ secure additional chances or rights to use such machine, ~~apparatus~~, or device or system or network of devices, even though the device or system ~~it~~ may be available for free play or, in addition to any element of chance or unpredictable outcome of such operation, may also sell, deliver, or present some merchandise, indication of weight, entertainment, or other

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17 | thing of value. The term "slot machine or device" includes, but
18 | is not limited to, devices regulated as slot machines pursuant
19 | to chapter 551.

20 | (2) ~~Nothing contained in~~ This chapter may not shall be
21 | construed, interpreted, or applied to the possession of a
22 | reverse vending machine. As used in this section, the term a
23 | "reverse vending machine" means ~~is~~ a machine into which empty
24 | beverage containers are deposited for recycling and which
25 | provides a payment of money, merchandise, vouchers, or other
26 | incentives. At a frequency less than upon the deposit of each
27 | beverage container, a reverse vending machine may pay out a
28 | random incentive bonus greater than that guaranteed payment in
29 | the form of money, merchandise, vouchers, or other incentives.
30 | The deposit of any empty beverage container into a reverse
31 | vending machine does not constitute consideration, and ~~nor shall~~
32 | a reverse vending machine may not be deemed ~~to be~~ a slot machine
33 | as defined in ~~within~~ this section.

34 | (3) There is a rebuttable presumption that a device,
35 | system, or network is a prohibited slot machine or device if it
36 | is used to display images of games of chance and is part of a
37 | scheme involving any consideration and awarding anything of
38 | value.

39 | Section 5. Section 849.161, Florida Statutes, is amended
40 | to read:

41 | 849.161 Amusement games or machines; when chapter
42 | inapplicable.—

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

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44 (a) "Amusement game or machine" means a coin-operated game
45 designed and operated for the bona fide amusement of the general
46 public and tourists, including minors, and not for gambling.

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

51 (c) "Game played" means the event occurring from the
52 initial insertion of a coin until another coin is necessary to
53 continue play or until the player may collect winnings,
54 whichever occurs first.

55 (d) "Merchandise" means noncash prizes, including toys and
56 novelties. The term does not include cash or any equivalent
57 thereof, including gift cards or certificates, or alcoholic
58 beverages.

59 (e) "Truck stop" means any dealer registered pursuant to
60 chapter 212, excluding marinas, which:

61 1. Declared its primary fuel business to be the sale of
62 diesel fuel;

63 2. Operates a minimum of six functional diesel fuel pumps;
64 and

65 3. Has coin-operated amusement games or machines on
66 premises which are operated for the entertainment of the general
67 public and tourists as bona fide amusement games or machines.

68 (2)-(1)-(a)1. Nothing contained in this chapter shall be
69 taken or construed to prohibit as applicable to an arcade
70 amusement center or truck stop from having amusement games or
71 machines which operate by means of the insertion of a coin and

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72 which by application of skill ~~may~~ entitle the person playing or
73 operating the game or machine to receive points or coupons
74 redeemable onsite ~~which may be exchanged~~ for merchandise only,
75 excluding cash and alcoholic beverages, provided the redemption
76 ~~cost~~ value of the ~~merchandise or prize awarded in exchange for~~
77 such points or coupons does not exceed 75 cents on any game
78 played.

79 ~~2. Nothing contained in this chapter shall be taken or~~
80 ~~construed as applicable to any retail dealer who operates as a~~
81 ~~truck stop, as defined in chapter 336 and which operates a~~
82 ~~minimum of 6 functional diesel fuel pumps, having amusement~~
83 ~~games or machines which operate by means of the insertion of a~~
84 ~~coin or other currency and which by application of skill may~~
85 ~~entitle the person playing or operating the game or machine to~~
86 ~~receive points or coupons which may be exchanged for merchandise~~
87 ~~limited to noncash prizes, toys, novelties, and Florida Lottery~~
88 ~~products, excluding alcoholic beverages, provided the cost value~~
89 ~~of the merchandise or prize awarded in exchange for such points~~
90 ~~or coupons does not exceed 75 cents on any game played. This~~
91 ~~subparagraph applies only to games and machines which are~~
92 ~~operated for the entertainment of the general public and~~
93 ~~tourists as bona fide amusement games or machines. This~~
94 ~~subsection shall not apply, however, to any game or device~~
95 ~~defined as a gambling device in 24 U.S.C. s. 1171, which~~
96 ~~requires identification of each device by permanently affixing~~
97 ~~seriatim numbering and name, trade name, and date of manufacture~~
98 ~~under s. 1173, and registration with the United States Attorney~~
99 ~~General, unless excluded from applicability of the chapter under~~

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100 ~~s. 1178. This subsection shall not be construed to authorize~~
101 ~~video poker games or any other game or machine that may be~~
102 ~~construed as a gambling device under Florida law.~~

103 ~~(3)(b) Nothing in this chapter subsection shall be taken~~
104 ~~or construed to prohibit as applicable to a coin-operated an~~
105 ~~amusement game or machine device designed and manufactured only~~
106 ~~for bona fide amusement purposes which operate by means of the~~
107 ~~insertion of a coin and game or device may by application of~~
108 ~~skill entitle the player, through the application of skill, to~~
109 ~~replay the game or machine device at no additional cost, if the~~
110 ~~game or device: can accumulate and react to no more than 15 free~~
111 ~~replays; can be discharged of accumulated free replays only by~~
112 ~~reactivating the game or device for one additional play for such~~
113 ~~accumulated free replay; and can make no permanent record,~~
114 ~~directly or indirectly, of free replays.~~

115 ~~(4) Nothing contained in this section shall be taken or~~
116 ~~construed to authorize any game or device and is not classified~~
117 ~~by the United States as a gambling device in 15 24 U.S.C. s.~~
118 ~~1171, which requires identification of each device by~~
119 ~~permanently affixing seriatim numbering and name, trade name,~~
120 ~~and date of manufacture under s. 1173, and registration with the~~
121 ~~United States Attorney General, unless excluded from~~
122 ~~applicability of the chapter under s. 1178; This subsection~~
123 ~~shall not be construed to authorize video poker games; games of~~
124 ~~chance; or any other game or machine that may be construed as a~~
125 ~~gambling device under Florida law.~~

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

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

131 Section 6. Nothing in this act may be interpreted to
132 authorize any game that was not authorized by chapter 849 as of
133 February 1, 2010.

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136 **T I T L E A M E N D M E N T**

137 Remove line 32 and insert:
138 relating to gambling; providing for construction of the act;
139 amending s. 895.02, F.S.;