

## **Petition for Declaratory Statement Before the Florida Gaming Control Commission**

Date: April 9, 2026

### **Via U.S. Mail and Email**

Clerk of the Commission  
Office of the General Counsel  
Florida Gaming Control Commission  
4070 Esplanade Way, Suite 250, Tallahassee, FL 32399  
Email: [clerk@flgaming.gov](mailto:clerk@flgaming.gov)  
Phone: (850) 794-8075 | Fax: (850) 536-8728

Re: Petition for Declaratory Statement Regarding Amusement Skill Games / Cash Voucher and Cash Payout System at VFW Post

To the Clerk of the Commission:

Please accept this correspondence as a **Petition for Declaratory Statement** before the Florida Gaming Control Commission under Rule 28-105.002, Florida Administrative Code, and the Commission's filing procedures. The Florida Administrative Code provides that a petition for declaratory statement must be filed with the clerk of the agency that has authority to interpret the statute, rule, or order at issue, and must identify the petitioner, the statutes or rules involved, and the particular facts and circumstances on which the request is based.

### **Petitioner**

Petitioner: Bryan Tutton Memorial VFW Post 2391  
Attention: Thomas Turner, Quartermaster  
6184 U.S. Highway 1 South  
St. Augustine, Florida 32086  
904-797-5267

Petitioner is a Veterans of Foreign Wars post operating in Florida and seeks guidance concerning the legality of certain amusement or skill game machines and related redemption and payout practices located on post premises.

### **Statutes and rules at issue**

This petition requests a declaratory statement concerning the application of section 546.10, Florida Statutes, Chapter 849, Florida Statutes, and any related rules, policies, or interpretations administered or enforced by the Florida Gaming Control Commission as they apply to the petitioner's described machines and payout system.

## **Facts and circumstances**

The petitioner has installed amusement or skill game machines on the post premises. The machines generate winning cash vouchers, and the post has installed a cash payout machine or kiosk that is used to redeem those vouchers for cash. The petitioner seeks clarification as to whether the described machines, vouchers, and payout system fall within the lawful definition of an amusement game or machine under section 546.10, Florida Statutes, or whether they are considered prohibited gambling devices or slot machines under Florida law.

The petitioner further seeks clarification as to whether operation of the machines is affected by the fact that the petitioner is a veterans' service organization and whether a veterans' service organization may lawfully maintain such machines and payout practices on licensed premises. Recent legislative analysis addressing veterans' service organizations indicates that qualifying VSOs may petition the Commission for a declaratory statement on whether a machine satisfies section 546.10, Florida Statutes.

## **Questions presented**

The petitioner respectfully requests a declaratory statement addressing the following:

1. Whether the petitioner's amusement or skill game machines, as configured and operated on the petitioner's premises, satisfy the definition of a lawful amusement game or machine under section 546.10, Florida Statutes.
2. Whether machines that issue cash vouchers redeemable through a cash payout machine or kiosk constitute prohibited gambling devices or illegal slot machines under Chapter 849, Florida Statutes, or other applicable Florida law.
3. Whether the petitioner's status as a veterans' service organization affects the legality of the described machines or payout system.
4. Whether any licensing, reporting, operational, prize, or redemption restrictions apply to the petitioner's present system.
5. Whether the petitioner should cease operation of the machines and cash payout system unless and until the Commission determines the devices are lawful.

## **Petitioner's interest**

The described issues directly and substantially affect the petitioner's operations, compliance obligations, risk of enforcement action, and the conduct of the post's officers and staff. The petitioner seeks a formal determination so that it may promptly comply with Florida law and avoid unlawful operation of any gaming device.

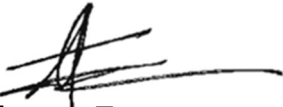
## **Documents and supporting materials**

The petitioner is prepared to provide photographs, machine specifications, vendor contracts, screenshots, sample vouchers, payout procedures, alcohol license information, and any other materials the Commission requests in order to evaluate the machines and payout method.

## **Request for action**

The petitioner respectfully asks the Florida Gaming Control Commission to accept this petition for filing and issue a declaratory statement concerning the legality of the described machines, vouchers, and cash payout system. If the Commission requires additional factual detail, amended petition language, exhibits, or a particular form of verification, the petitioner requests notice so that a supplemental filing may be submitted promptly.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Thomas Turner', with a long horizontal flourish extending to the right.

Thomas Turner  
Adjutant/Quartermaster  
Bryan Tutten Memorial VFW Post 2391  
post2391@vfwfl.org | colturner769@outlook.com  
904-930-3607